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ABSTRACT

This essay focuses on the intrarelationships and interrelationships within and between the financial support delivery system and the educational substantive delivery system and how these two factors relate to the achievement of a free, common, and equitable educational opportunity as mandated by Article III, Section 14 of the 1967 Pennsylvania Constitution. As "constitutional education" addresses itself to the broadening of the intellect rather than to the narrowing of physical boundaries, within the context of this inquiry there is the regard for the fundamental principle that accountability to constitutional education addresses itself to equality of opportunity and process, not equality of product. (Author/MLF)

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A COLLAGE OF INQUIRY AND RESEARCH INTO

THE DYNAMICS OF THE FINANCIAL AND SUBSTANTIVE DELIVERY SYSTEMS FOR PROVIDING CONSTITUTIONAL EDUCATION...

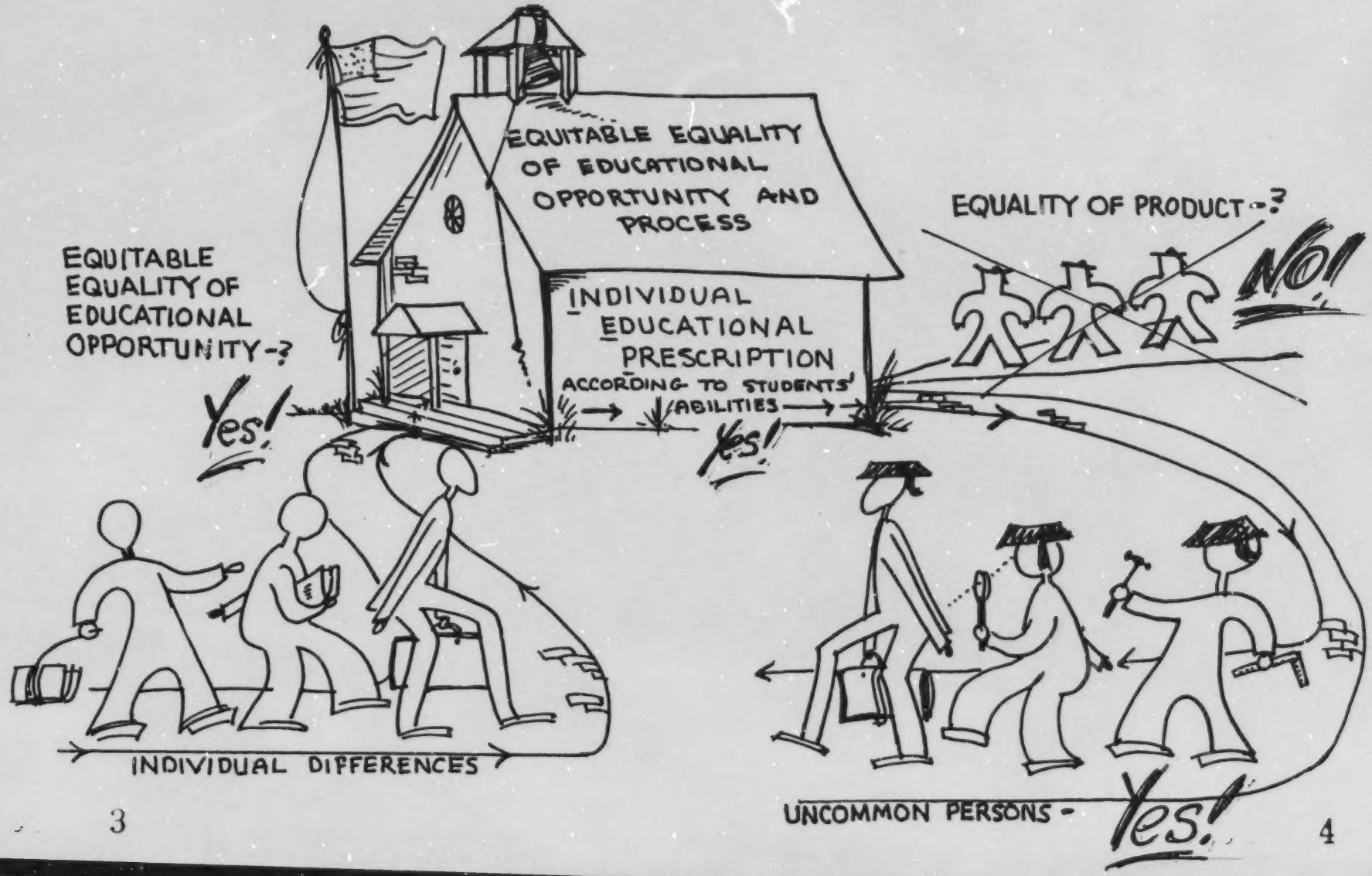
ITS ROOTS, PRESENT, FUTURE, AND ACCOUNTABILITY

EA 012 306

August 24, 1979

Joseph Flum, Esquire
Chairman
Bucks County School Directors'
Legislative Council

ACCOUNTABILITY in EDUCATION



ABOUT THE AUTHOR

Joseph Flum, Esquire, has served as a member of the Council Rock School Board of Directors for twelve years. He has also served as Chairman of the Bucks County School Directors' Legislative Council and has been a member of the Pennsylvania School Board's Region XI Legislative Committee for an equal period of years.

Other achievements and honors include:

1974 - Member of the Pennsylvania Department of Education Committee for review of the proposed revision of the School Code

1974 to present - Member of the Pennsylvania Department of Education Law-Related Education Committee

1975 to present - Member of the Pennsylvania Bar Association Youth Education Committee

1976 - Council Rock's appointed representative to the Bi-Centennial Committee

1976 to present - Member of the Pennsylvania Department of Education Citizenship Education Committee

1978 to present - Member of the Pennsylvania Department of Education Committee on Global Education

1978 - Recommended by the Pennsylvania Secretary of Education to be the Department of Education's liaison to the MILRITE Committee

1979 - Honored by Pennsylvania Vocational Association for efforts in having $200 million federal dollars restored to President Carter's budget for vocational education

1979 - Listed in this latest edition of "Who's Who in Eastern America"

INTRODUCTION

This "Collage of Inquiry" focuses on the intra- and inter-relationships within and between the financial support delivery system and the educational substantive delivery system and how these two factors relate to the achievement of a free, common, and equitable equality of educational opportunity as mandated by Article III, Section 14 of the 1967 Pennsylvania Constitution.

As Constitutional education addresses itself to the broadening of the intellect rather than to the narrowing of physical boundaries, within the context of this inquiry there is the regard for the fundamental principle that accountability to Constitutional education addresses itself to equality of opportunity and process, not equality of product.

FORWARD

From one of the taxpayer's observation posts, does he not question what causes one of his comparative logistical support differential inequities from neutralizing wealth for the funding of public education? How and to what extent do those funding inequities interfere with the rights of children to receive an equitable equality of educational opportunity statewide?

Under common law, parents were responsible to educate and support their children's education in accordance with their station in life. This duty was a private matter and in effect was not enforceable in the courts. Since education was costly and only the rich could afford it, there developed the dogma that education was only for gentlemen. Religious schools were set up partly because of the need to teach the tenets of religion and partly because of the belief that human rights and needs should not belong exclusively to the rich. As time advanced so did the ages of discovery and technology. The need for educated "servants" promoted the expansion of education to other kinds of private schools, then to quasi-public schools and then to directly supported public education for the masses. Under state constitutional articles and/or statutes in the United States, public education became an optional method for educating the young citizenry of the nation/state. During this era, those in control of government staved off direct legal involvement in education by government in a manner similar to adoption of land reform methods leading to the passage of the "Statutes of Uses" in order to serve the equitable need of the times. The maturing to the recognition of the need for direct involvement by government to serve the state's vital interests caused education of the young to become compulsory.

Parenthetically, the United States government through its immigration department becomes directly involved in education when immigrants desiring to become U.S. citizens are required to meet educational standards set by the federal government.

While constitutional education provides for the duty to serve the mandated right of receiving substantive equitable equality of educational opportunity statewide without direct mandate as to how it is to be supported, such support necessarily must not interfere with that guaranteed substantive right to receive. Since wealth is levied upon for a purpose, the process of raising funds must be matched to the quality of the purpose of the right as well as to the duty it is to support. Does not the educational article create a right, (i.e. a statewide educational system which provides for a statewide quality and equality of educational opportunity), that requires a duty to support by the General Assembly?

Assume two school districts are of duplicate wealth and number of taxpayers of identical kind but one district has a total of 1000 students and the other district has a total of 10,000 students of exactly the same kind. Aside from the state's subsidy support factors, including sparsity and density, do not the respective "inter-local" taxpayers share very different local burdens on just numbers of students alone? Next, if the "local" wealth of respective "inter-local" taxpayers is not identical, does not the financial amount of local support further vary the local effort of the respective "inter-local" taxpayers as to the degree of ease or difficulty of burden for support of student needs that are addressed under constitutional education mandates in respective comparison to another district's

physical makeup of just numbers (apart from the additional complications of variations of classifications such as elementary/secondary normal/exceptional) of students as set forth in the assumption above?

Statewide, are not the resultant variations in both the taxpayers comparative duty to support and the receipt of comparative student needs caused, in part, by attempts to support constitutional education through the use of dual funding "equalization" formula subsidy systems? Do not these dual systems attempt to match state subsidized classified student payments to "block" wealth of a district's community and which is non formulized for classified student needs?

Query, is not "block" wealth of a district a substituted and veiled term for the segregated wealth of the compository of each of the respective "inter-local" district taxpayers? But are not taxpayers for Constitutional public education in effect and essence taxpayers "at-large" of the Commonwealth whose in-common duty is to support statewide quality and equitable equality of educational opportunity, not segregated local taxpayers owing a duty to only segregated (autonomous) intra district quality and equitable equality of educational opportunity? Under the dual funding "equalization" formula systems, is "block" wealth really not being substituted as the veiled equivalent of the compository of segregated individual wealth of the district? Do not the implications of a dual funding system therefore cause wealth to be, possibly at the most, "neutralized" within a district, and to fall far short of reaching a position of fiscal neutrality for statewide equitable equality of educational opportunity?

While statewide equality of educational opportunity and process cannot be achieved and programed without the sine qua non of fiscal neutrality, is it not impossible that respective "inter-local" block

wealth, because of substantial worth disparities among districts, can duly supply to that constitutional public education duty?

If the state's formula cannot serve the statewide mandated equality of educational opportunity and process by using districts' compositories of segregated individual wealth within its formula calculations, (because of their substantial inter disparities and which formula allows local districts to vary their share of commitment to Constitutional public education), does it not also follow that the compository of segregated individual wealth of a district used in the formula under the disguise and identity of "block" wealth does not have its adverse effect removed or laundered, nor does it achieve credibility over its non acceptable status for proper funding through use of another name? So, if the use of "block" wealth is unacceptable because of its substantial disparities with other local districts' wealth, then is not the use of the local segregated segments of the statewide compository of individual wealth also not able to serve to statewide fiscal neutrality to serve students' rights and needs to an equitable equality of educational opportunity and process?

Therefore, does the mere change of name of financial support from segregated individual segmented wealth within a district to "block" wealth for dual subsidy funding "equalization" formula systems usage duly affix color and/or create credibility for the requirement of fiscal neutrality for support of Constitutional public education? If a STATE educational system creates a classification of educational opportunity, (e.g. one based on "local" taxable wealth-by whatever the name it is given), the results of which cause substantial expenditure disparities (established under the state finance system)

to have an adverse effect on the constitutional right to a statewide equitable educational opportunity, would not the state have to prove that the classification was related to a compelling governmental interest? If it could not do so, would not the state's finance system for Constitutional public education fail just on the ground alone that such a system constituted a violation of equal protection guarantees?

On a parallel thrust, the General Assembly and the Courts have, in long standing, addressed to the proposition that equality of educational opportunity belongs to all students statewide. That interpretation became further reinforced when, by the people's WILL, the Education Article of the Constitution was amended from its 1874 wording (which in part stated "the General Assembly shall provide for the maintenance and support of a thorough and efficient system of PUBLIC SCHOOLS") to that stated in 1967 which mandates that "the General Assembly shall provide for the maintenance and support of a thorough and efficient system of PUBLIC EDUCATION". Is not that FACT an overwhelming mandate from the people and a resounding reason for a commandment to fund the student rather than finance the slush funding of school districts?

In fact, under the present state finance system, are not school districts being financed as SUBSTANTIVE RESULTANT BENEFICIARIES of supporting wealth instead of being ADMINISTRATIVE PROCEDURAL CONDUITS OF THE LEGISLATURE? Whereas, does not the Education Article mandate that a finance system shall be provided to fund, not school districts, but rather an educational system for the purpose of supporting and maintaining an equitable equality of educational opportunity and process to a statewide threshold according to the student's capability whatever

his/her situs?

Thus,from the perspective that a state educational finance system funds school districts as its substantive objective rather than using them as administrative procedural conduits of the legislature to fulfill the Education Article's substantive mandates for a statewide equitable equality of educational opportunity and process for each student according to his/her capacity, is not such state educational finance system discriminatory against its mandated purpose?

In the absence of proof that such discrimination is related to a compelling governmental interest,does such system not constitute a violation of equal protection guarantees? Further, have not the courts recently been pronouncing that when they deliberate on a challenge to a state law or government action on the assertion that it is in violation of the equal protection of the law clause that in part they must test whether the intent of the state law and/or governmental action was 1) bedded in innocence and legitimacy of purpose, or 2) designed and conceived to cause for its purpose material and substantial discrimination of the kind which the equal protection of the law clauses were designed to address?

Is not a state law and/or governmental action, which affects a person of a class of which he happens to be a member and under which he cannot successfully qualify and/or compete because of his own lack of means, capabilities and/or potential, presumed fair and innocent of addressable discrimination until proven otherwise? If substantial discrimination is alleged, then implied therein, is there not a requirement that the petitioner establish sufficient facts, including intent and purpose, to produce a direct causal connection between the law

and/or action and his injury? If these tests were applied to the state public education funding laws (based on constitutional mandate) which fund the local district rather than the state student under a state educational system, would not the courts indicate that the intent of the legislature must be examined to determine whether the purpose of the law 1) promotes and allows the dispensing of legitimate statewide equality of educational opportunity or 2) promotes and establishes unequal educational opportunity in the state amounting to substantial discrimination? If the intent of a law on its surface is legitimate for its purpose, but in fact its intent, by procedure, coverup, or otherwise, violates another designated civil right, would not the courts seem to say that they will act to prevent the wrongdoing by ordering a remedy that will cure the wrong but let the legitimate purpose survive since they will not destroy, if possible, what otherwise is needed to achieve a legitimate legislative purpose? Funding the Education Article to support an equitable equality of educational opportunity addressed to a statewide threshold according to students capabilities is surely a legitimate purpose but is not funding administrative procedural conduits (school districts) who dispense according to their determined threshold rather than to the state's redressable injury, particularly to those students who are also within a local school district whose wealth base is at a substantial inferior disparity with other local districts' wealth? Does this not cause substantially unreasonable disparity in opportunity?

While other of the Constitution's Articles allow the General Assembly to provide for the creation of school districts, must not the creation and use of them as administrative units not be inter-

changed for the term public schools as its meaning had been used in the 1874 Education Article (e.g. "...the General Assembly shall provide for...a system of public schools...)? While the General Assembly itself recognizes and has set forth under a section (290) of the School Code that it can at its will and according to its wisdom determine the number of school districts to act as its administrative units to procedurally administer to its declared education program, and while it may choose to administer with a lesser number, may it provide for the lessening of a substantive equitable equality of educational opportunity for some students by providing lesser funding for them in some public schools than it provides for others regardless of the school district the public schools or the public students are in?

As the terms public school districts and public schools are not interchangable of meaning, must not the legislature, knowing that the 1967 Education Article uses the term "...public educational system..." rather than "...system of public schools...", as a reaffirmation of that express intent to provide an equitable equality of educational opportunity for the statewide student, implement its pronouncements in sections 290 and 971.1 of the School Code by funding to the state student according to his/her capacity, - not the school districts?

When analyzing a State funding system for public education that uses a dual subsidy funding "equalization" formula system, must not the examination not be limited to the formula the state uses to express itself as to the amount of funds it proposes to supply as subsidy the legislature's responsibility under the Education Article?

Is not the legislature solely responsible to provide the entire support for public education? To the extent that it does not directly provide funds from its direct sources of revenue, must it not nevertheless oversee and formulate the support for the portion that it has permitted its administrative units to acquire in its name?

Is not the formula that the legislature enacts only the State's part of the overall required state funding system's formula? Is not that portion set forth in written and "absolute" terms? Is not the part of the overall state funding formula that is missing and unwritten (since it is not formally or formulary substantially regulated by statute) that which deals with the supply of funds for substantive education to be raised by local school districts? Is there anything in the School Code which addresses to the school districts on the amount of money to be spent by them on the students as to both numbers and classification? Is this not particulary in evidence, as just two examples in one, when the state cuts back on its payments toward the support of the exceptional student? Must not the local school district then use money it had decided to levy for support for the 'regular' student and use it for another classification of student need? Does not the imbalance of support for the statewide student at the local level become even more imbalanced among local school districts where the proportion of students differs not only in numbers but in the numbers within classifications of students? Does this not result in adopting a slush fund operation for the support of education? The term dual subsidy funding "equalization" formula systems specifically and expressly include the words dual (two) funding

formulas. Where is the second formula, the one that most specifically and expressly applies to "local" funding? While the legislature on the one hand adopted a very precise formula for measuring "its" (the "state's") share of contribution for the support of the student, has it not failed to adopt a formula for the regulation of the amount of support of the student to be provided by its administrative units, the school districts? While the legislature has provided the administrative units' boards with the power to tax, has it ever enacted a state uniform formula for the amount of funds the district must supply for meeting the State's duty to support equitable equality of educational opportunity to a statewide threshold?

Is it not this part of the state funding system that largely causes the failure of the dual subsidy funding "equalization" formula systems to equalize funding for constitutional education? Does it not cause slush funding of educational offerings within the administrative units? Do not the effects of this failure proof the fact that the substantial disparities of local available taxable wealth among districts cause the inequities of the dual systems of funding to support to a statewide threshold of equal educational opportunity?

Does not the lack of any uniform system of accountability to test for economic as well as funding for student equalization opportunity deny to the state and its people the opportunity to compare the administrative units' performance records in addressing to the legislature's duty to provide for the maintenance and support of a thorough and efficient system of public education?

When correction of the matching process is attempted under a "dual system" of funding, will not the neutralization of wealth still

prove to be unachievable just on the basis alone of the variations of the number of students to be supported by local wealth of comparative districts? Thus, does not any neutralization of wealth process under a dual system address to the districts' internal structure (including the ability and desire to) and not to the statewide student needs and which in turn would put disproportionately unreasonable variance of burden on the inter-local districts' taxpayers to meet a statewide threshold of equitable equality of educational opportunity and process?

However, if the impossible were achieved, i.e. the neutralization of wealth under dual subsidy funding "equalization" formula systems, then would not the present practice of acceptance of reward or penalty for subsidy payments or other arbitrary funding desires left to the exclusive option of the local school district at time of levying taxes to vary the equitable equality of educational opportunity of the statewide educational threshold no longer be available to the district?

Therefore, if wealth cannot be neutralized to provide to a statewide equitable equality of educational opportunity accountability under a dual subsidy funding "equalization" formula system,

<u>WHEN it is used</u>:

A. The fewer the students (of the same identical kind and classification) in a local district, the less collective ("block") local district taxpayers support is needed; the greater the number of students (of the same identical kind and classification) in a local school district, the greater the collective ("block") local district taxpayer support is needed; and,

B. The number of students as described in A above is programed by each local district's (1) variations of the classification of kinds and numbers therein of students, (2) variations of available local taxable wealth bases, (3) desire and ability to levy and spend money on public education, and (4) desire, as the case may be, to be rewarded or penalized for its degree of generated local effort; THEN, do not the results deprive the Constitution's Education Article's operative substantive provisions from being duly implemented?

While everyone continues to search for ways to improve the quality and equitable equality of educational opportunity (and competition and cooperation should be encouraged so that the emoluments may be shared), can the State Public Education System continue on a good faith of a "blind" trust basis within local school districts no matter how good and pure the intentions, if Constitutional Education is to be meaningful? Must not a Thorough and Efficient educational system be totally defined and formulized, not just the "State's" contribution portion which is, to some extent, addressed in its subsidy formula for support of public education? Is there a valid reason why the tenets of full state funding should not be researched and studied to bring about fiscal neutrality upon which a formula for a Thorough and Efficient education may be programed?

STATE SYSTEM OF EDUCATION

CONSTITUTIONAL DESIGN: .....Thorough and Efficient educational system for dispensing statewide Equitable Equality of Educational Opportunity.

MANDATE TO GENERAL ASSEMBLY:..Provide for the support of an educational system to serve the needs of the Commonwealth.

PRESENT LEGISLATIVE BLUE PRINT: Dual subsidy funding equalization formula system.

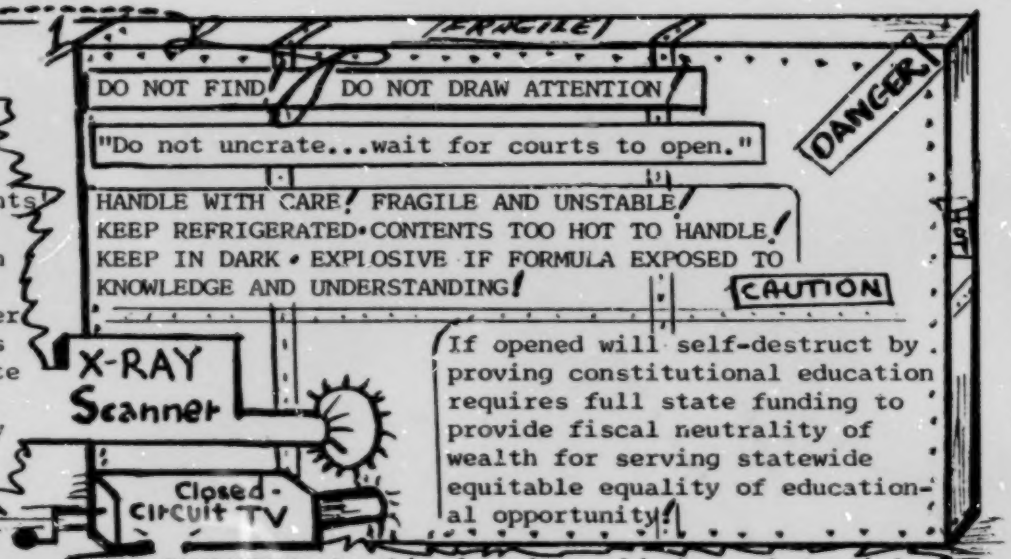
STATUTORY IMPLEMENTATION:.....Formula Machine # 1 only.

$$$

The case of the missing formula

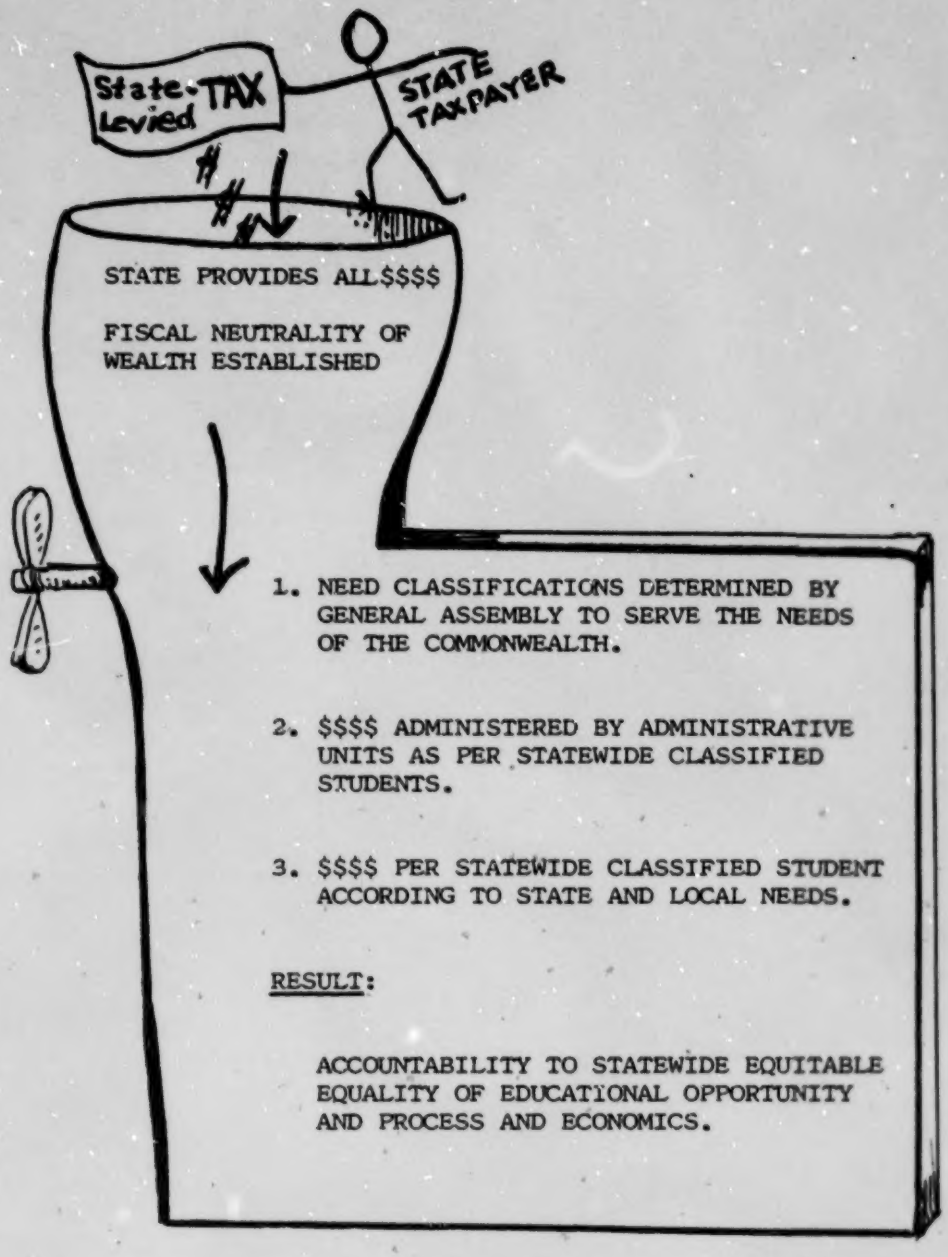
FALL OUT!- Defective Formula:

2. Student: Survival in fittest district
Every district for itself (Levy for whatever taxpayers ability to fund. Then fund Students' needs accordingly to local desires.)
Theory of "Evolution Probability" in Education under Dual Subsidy Funding Equalization Formula System: The margin between wealthier and poorer districts' educational offerings per student expands or contracts at the rate equivalent to the wealth disparity between them +/-, debiting or crediting for ability and desire by a local school adminstrative unit.)

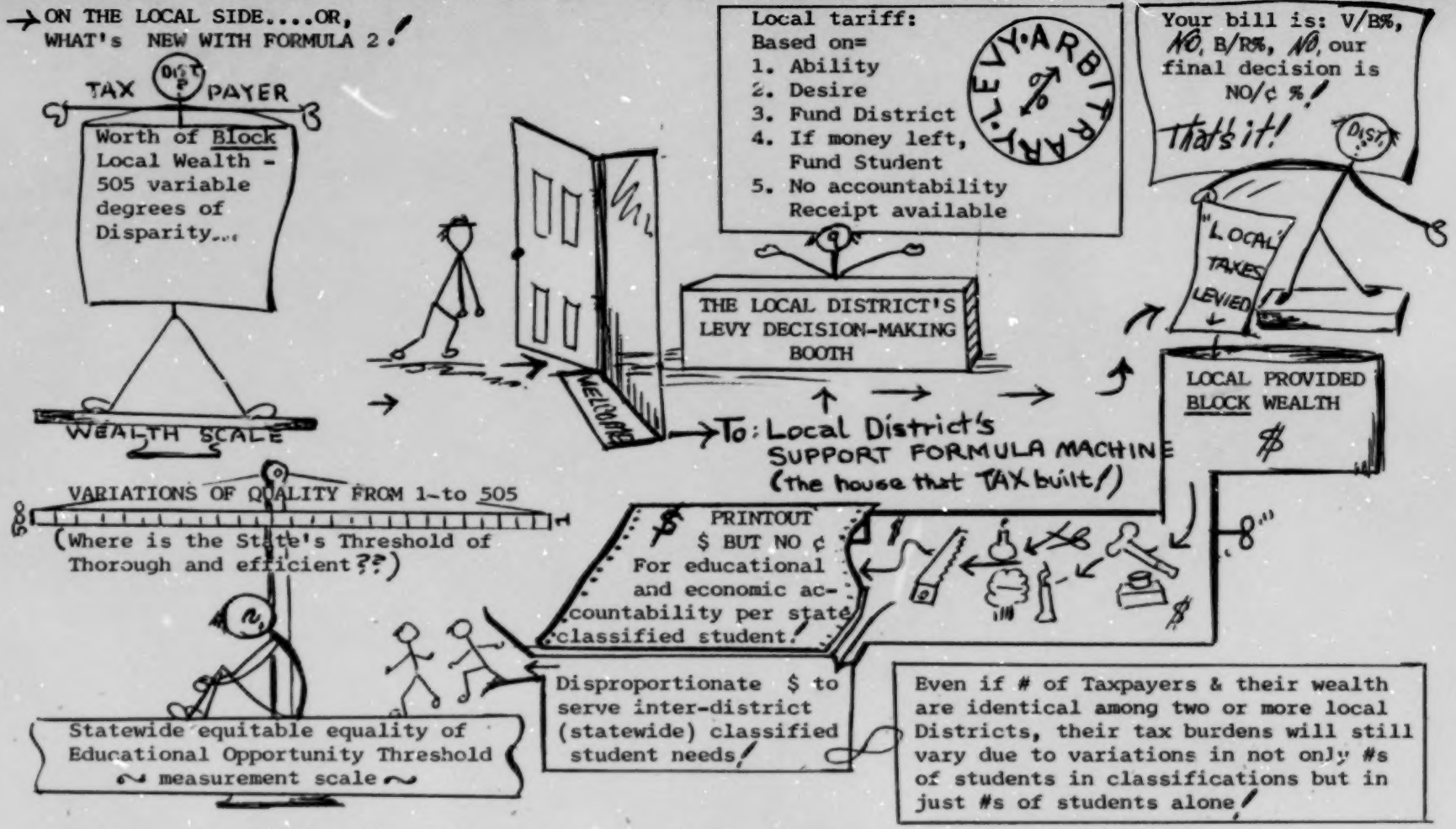

FRAGILE!
DO NOT FIND!
DO NOT DRAW ATTENTION!
DANGER!
"Do not uncrate...wait for courts to open."
HANDLE WITH CARE! FRAGILE AND UNSTABLE!
KEEP REFRIGERATED•CONTENTS TOO HOT TO HANDLE!
KEEP IN DARK • EXPLOSIVE IF FORMULA EXPOSED TO KNOWLEDGE AND UNDERSTANDING!
CAUTION
X-RAY Scanner
Closed-circuit TV
If opened will self-destruct by proving constitutional education requires full state funding to provide fiscal neutrality of wealth for serving statewide equitable equality of educational opportunity!

3. FOR TAXPAYERS: As this formula would show substantial wealth disparity among inter-districts and disclose inter-district taxpayers' disproportionate tax burdens for funding inter-district (statewide)student numbers and classifications, no state (local) support Formula Machine (#2) was established by statute. Instead, the Legislature, by implication, allows local school district to improvise a "do it your way" makeshift, "de facto" Formula (#2) Machine.
FOR STUDENTS: It would disclose that the state's duty to provide a statewide threshold of equitable equality of educational opportunity is abdicated by the state to a local school district's ability and desire to determine the educational threshold autonomously.
FURTHER: This formula imposes no CAP or, more importantly, no BAR for statewide achievement of Constitutional Education.

4. It also fails to provide both the funding formula to support a thorough and efficient educational system and the definition of one as required in order to serve the needs of the Commonwealth.


State-Levied TAX
STATE TAXPAYER
STATE PROVIDES ALL$$$$
FISCAL NEUTRALITY OF WEALTH ESTABLISHED
1. NEED CLASSIFICATIONS DETERMINED BY GENERAL ASSEMBLY TO SERVE THE NEEDS OF THE COMMONWEALTH.
2. $$$$ ADMINISTERED BY ADMINISTRATIVE UNITS AS PER STATEWIDE CLASSIFIED STUDENTS.
3. $$$$ PER STATEWIDE CLASSIFIED STUDENT ACCORDING TO STATE AND LOCAL NEEDS.
RESULT:
ACCOUNTABILITY TO STATEWIDE EQUITABLE EQUALITY OF EDUCATIONAL OPPORTUNITY AND PROCESS AND ECONOMICS.

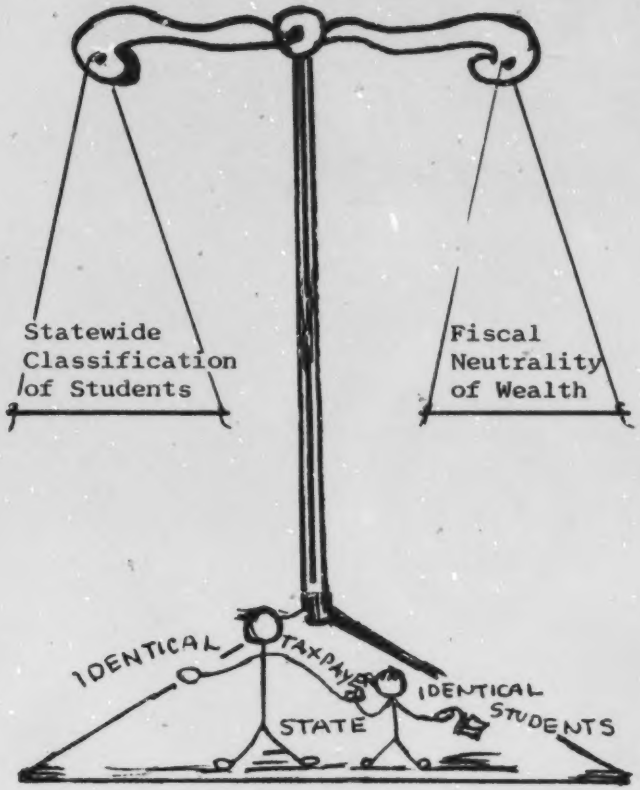
Full State Funding Formula Machine


ON THE LOCAL SIDE....OR, WHAT's NEW WITH FORMULA 2!
TAX PAYER
Worth of Block Local Wealth - 505 variable degrees of Disparity...
WEALTH SCALE
VARIATIONS OF QUALITY FROM 1-to 505
(Where is the State's Threshold of Thorough and efficient??)
Statewide equitable equality of Educational Opportunity Threshold
~ measurement scale ~
Local tariff:
Based on=
1. Ability
2. Desire
3. Fund District
4. If money left, Fund Student
5. No accountability Receipt available
LEVY-ARBITRARY
THE LOCAL DISTRICT'S LEVY DECISION-MAKING BOOTH
WELCOME
To: Local District's SUPPORT FORMULA MACHINE (the house that TAX built!)
Your bill is: V/B%, NO, B/R%, NO, our final decision is NO/¢ %!
That's it!
DIST.
"LOCAL" TAXES LEVIED
LOCAL PROVIDED BLOCK WEALTH
$
PRINTOUT $ BUT NO ¢ For educational and economic accountability per state classified student!
Disproportionate $ to serve inter-district (statewide) classified student needs!
Even if # of Taxpayers & their wealth are identical among two or more local Districts, their tax burdens will still vary due to variations in not only #s of students in classifications but in just #s of students alone!

THE CONSTITUTION'S EDUCATION ARTICLE REQUIRES ACCOUNTABILITY FOR THE MEASUREMENT TO THE STATEWIDE SUBSTANTIVE EQUITABLE EQUALITY OF EDUCATIONAL OPPORTUNITY AND PROCESS THRESHOLD WHATEVER ITS LEGISLATIVELY DETERMINED VALUE & QUALITY , WHATEVER ITS COSTS.TO AFFORD FOR ONE STUDENT IN A STATEWIDE CLASSIFICATION IS TO PROVIDE FOR ALL, WHEREVER THEIR SITUS. DOES DENIAL TO SOME WHILE PROVIDING FOR OTHERS, BECAUSE OF LOCAL DESIRES, ABILITIES, WEALTH DISPARITIES AND COSTS, MEASURE TO A JUSTIFIABLE COMPELLING GOVERNMENTAL INTEREST FOR SUCH ACTION OR INACTION, IF CAUSED BY INTENT OF STATE LAW AND/OR GOVERNMENTAL ACTION????

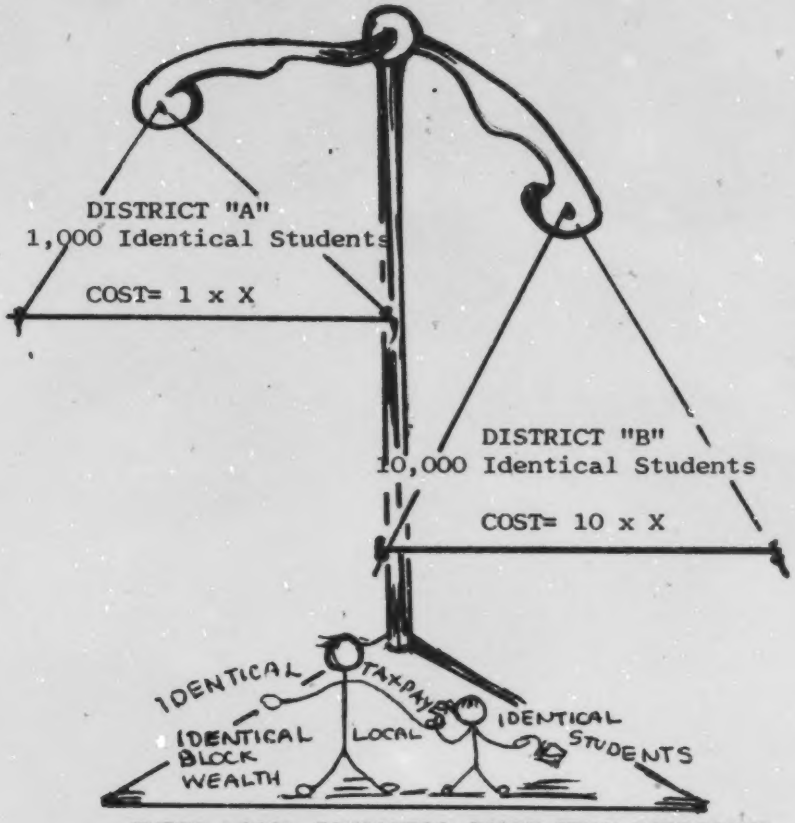
EXAMPLES...

- UNDER FULL STATE FUNDING FORMULA MACHINE



STATE CLASSIFIED TAXPAYERS SHARE EQUAL TAX BURDEN WHEREVER THE STUDENTS' SITUS.

- UNDER FORMULA MACHINE # 2



INTER-LOCAL TAXPAYERS SHARE VERY DIFFERENT TAX BURDENS.

WHAT IS A SCHOOL BOARD DIRECTOR, A LOCAL SCHOOL DISTRICT, AND LOCAL NEED?

Is not one of the major roles of a Pennsylvania School Board Director, as an agent of the General Assembly, to monitor the state educational program at the local level and to act as guardian of the rights of pupils within the local district ("administrative unit")? Is this not to assure that the educational program offered to pupils meets the standards laid down by the state across this Commonwealth to serve the "needs of the Commonwealth" which must recognize that within this framework there must be concern for local needs?

Within the Pennsylvania Supreme Court's Girard Case decision, does not the Court emphatically affirm there is "ONE EDUCATIONAL SYSTEM AND PROGRAM in the Commonwealth"? Is not a school district, as an administrative extension of the Legislature, neither endowed with home rule nor autonomous status? In acting as an agent of the Legislature within the parameters of agency, is not the agent delegated with decision-making authority by that body only in accordance with its statutory directives or as duly proclaimed on its behalf by the State Board of Education and the Department of Education?

In order to serve the "needs of the Commonwealth" Community, isn't it necessary that the evolutionary changes that take place in the nature of the substantive and comprehensive make-up of both the at-large and local community be taken into account in any re-districting for educational purposes when sorting out what a local

level is for administrative unit purposes? Are not the schools training grounds for future competition in life roles and preparatory institutions for students to aid them in their pursuits to become uncommon so they may become vital participants in future communities wherever they may be? Is not the concept of districts not to promote the object of local educational "city states", but rather to serve the needs of the Commonwealth as administrative units of one system? Is not our state system one of integration, not of detente?

Should not State Board regulations, Department of Education directives, standards, and guidelines be broad enough to permit administering to local needs just as the Education Article in the Constitution permits flexibility to the Legislature to administer to the needs of the Commonwealth? Is not the quality of education as well as equity implied within constitutional equality of educational opportunity? At both the legislative and administrative-endorsed levels, are they not also guaranteed by equal protection of law clauses? While the spectrum of offerings of public education is solely in the control of the Legislature, is it not imperative that local school districts, as administrative units of the Legislature, be granted appropriate latitude to address and serve their local needs so long as they remain within the framework and threshold of the state education system's equality of educational opportunity requirements?

WHAT IS THE CONSTITUTIONAL HISTORY OF THE PUBLIC EDUCATION MOVEMENT?

Does not the history toward free, common, and equality of opportunity education show a painful progress? Section 44 of the Pennsylvania Constitution of 1776 provided that a "school shall be established in each county by the Legislature for the convenient instruction of youth with such salaries to the masters paid by the public as might enable them to instruct at low prices and that all useful learning should be duly encouraged and promoted in one or more universities."

Article VII, Section 1 of both the 1790 and 1838 Pennsylvania Constitutions provided that "the Legislature shall provide for establishment of schools throughout the State in such manner that the poor might be taught gratis."

Article X, Section 1 of the 1874 Pennsylvania Constitution provided "the General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated and shall appropriate at least one million dollars each year for that purpose."

Article III, Section 14 of the 1967 Pennsylvania Constitution provides that "the General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth."

Thus, in 1776 the Pennsylvania Constitution provided authorization to the Legislature to the extent that it shall provide in each county for the convenient instruction of youth and in 1790 and 1838 it was authorized, as it shall so determine, to provide throughout

the State for the teaching of the poor. In 1874 the General Assembly, for the first time, mandated a provision for a thorough and efficient system of public schools for all children above the age of six years, and in 1967 the General Assembly's mandate was enlarged to provide for a thorough and efficient system of a public education to serve the needs of the Commonwealth.

It appears that the Constitutional duty placed on the Legislature rose from a "shall" support limited special purpose status in 1776, 1790, and 1838 to a "shall" support limited general purpose status in 1874 and then to an unlimited general support status in 1967 subject only to the General Assembly's self-imposed limitations. The object of that support started with (1) the convenient instruction of youth in local counties in 1776 during the revolutionary war, (2) then modified by limitation after the war for all the poor (welfare) of the State in 1790 and 1838, (3) in 1874, after the Civil War with the intent to free one from intellectual as well as physical bondage, the object was to provide to all children over the age of six years a free, common, and equitable educational opportunity (concept of nondiscrimination), and (4) in 1967, the object was enlarged "to serve the needs of the Commonwealth", the effect of which would limit public education only as determined by the will and expressions of the General Assembly.

In 1874 the Constitution required for the first time the provision that the General Assembly SHALL provide a general educational system of public schools. The further dramatic change caused by the Will of the people as stated in the Constitution of 1967 to

mandate an educational system to serve the "needs of the Commonwealth", rooted in freedom and the equality of opportunity for the common man, has left no doubt that the Legislative enactments have and will have to be further reviewed and addressed.

Did not laws which had followed concepts that allowed and provided permissive variances by counties of application for support that would not be in violation of earlier limited constitutional provisions (which were rooted in crash programs for the war effort and later rooted in welfare) unfortunately CONTINUE to supply the theme, concept, custom, practice and basis for providing support for the quality of offerings and manner of funding under the SHALL provisions of free, common, and equal statewide educational opportunity (for "all the children above the age of six years" as mandated by the 1874 Constitution and to "serve the needs of the Commonwealth" as mandated by the 1967 Constitution) even though these Educational Articles premised otherwise?

Do not laws which violate the equitable opportunity to receive an evenhanded education throughout the State and impress the responsibility of support with inequitable burdens in fact create variations which deprive the people of the true purpose, spirit, and intent of the Constitutional mandate and guarantee? In fact, unless challenged, do not these laws when implemented become the defacto constitutional provisions?

In 1874 the Constitutional duty was to provide a system of public schools, but under the 1967 Constitution Education Article, the change of language required a system of public education. In part, did not this language also change the mandate to broaden educational environment

(both program and plant) from school buildings (second environment) to the community (third environment) "to serve the needs of the Commonwealth"?

While the struggle to develop Constitutional provisions for a free, common, and equality of educational opportunity system progressed at a snail's pace, were not laws to implement them being further delayed by special interest groups? The first of the Pauper Education Acts based on the Educational Article of the 1790 Constitution were passed in 1802, 1804, and 1809. Then, only four years before the 1838 Constitutional Education Article reaffirmed the 1790 mandate, the Free Public School Act of 1834 was passed based on the 1790 Educational Article. The 1790 Constitution was in effect the first mandate under which any Statewide system of free schooling could be offered at public expense, since the 1776 Constitution's language was so limited that it prohibited statewide interpretation.

Parenthetically, while the fathers of the Federal Constitution thought it was best to allow the States to provide for public education, did they not recognize and project that the national interest and national purpose would require the federal government to monitor the quality of the States' performance in accordance with their reserved right to provide for the support and maintenance of equality of educational opportunity and provide aid where it was found deficient or necessary? Have not such national interests and purposes been served when, starting in 1785, federal legislation passed by the Continental Congress provided for aid to education which gave land for the building of schools and support of education and in recent years by the use of such awards as categorical aid?

WHAT ARE THE ROOTS, CUSTOMS AND POLITICAL PROCESSES AFFECTING PUBLIC EDUCATION?

As school districts are not municipal corporations, in levying, collecting, and spending taxes, do their boards not act only as agents of the Legislature? While school districts do not possess legislative powers as do municipal corporations, do they not merely possess only those administrative powers expressly granted by the Legislature or inferred by necessary implication? Do they not, therefore, merely tax to support the statewide system and program without holding discretionary authority to alter it? Because the Constitution has included school districts along with municipalities in the same article and section imposing limitations upon indebtedness, does it not rather than stamp them as municipalities, merely for convenience purposes of not duplicating Constitutional prohibition, provide that both of them shall be restricted in their borrowing capacity?

Is not a school board in levying, collecting and spending taxes as an agent of the Legislature, required to perform such duties only within the threshold of the Legislature's duty in discharging its constitutional duty of providing a statewide system of public education? Do not school boards, therefore, have no inherent power to tax beyond those powers granted to them in order to discharge the Legislature's duty to provide a free, common, and equality of educational opportunity? Does not the Constitution, which places the exclusive control of public education with the General Assembly, mandate that appropriation and distribution of funds for the support and maintaining of Education is the peculiar prerogative of the Legislature and no other branch of State Government has power to appropriate funds for it?

At common law, did not the control of a parent over his child include the child's education? Unless that control is changed, altered, or modified by Constitution or statute, does not that authority continue? Was it not implied within the common law and by custom that a child be educated at his parent's expense suitable to his station in life? In early America, did not education commence to become a critical need for survival of the local colonies and hence become the colonial communities' (town councils) concern? As a result, did not the action of the colonial councils first introduce education as a government welfare and security need, thus putting education beyond the needs of just the private citizen? Was not this, in effect, indicating that education was not a luxury reserved only for gentlemen? Of course as the concept and term "community" grew not only physically but also in intensity, did not education mature and become recognized as a vital function of government? During the early stages of development in the colonies, however, did not they and their "town councils" provide, under "legislative" authority vested in them by the mother land, by acting as a conduit to uses (quasi public chartered corporations) for school masters (oft-times imported from Europe) to educate those who voluntarily wished to avail themselves of a "common" education and were willing to privately pay for that service? Was this not the first step taken to establish secular education as a need of the government and the people? Hence, did it not convert the concept of education from one reserved for the elite to one entrenched with equity of educational opportunity? Did not the Government also begin to compete with purely religious schools since they too were providing education but as a function of the church?

Was not the concept that the "common" could be educated a bold step forward in man's pursuit of human rights and needs? Was it not so sweet a victory that he could now be educated that he cherished his "right of purchase"? Was this thought not one of those at the heart of the American Revolution in that he wanted to be free to choose and pay for his right to choose instead of being treated as a chattel? Did not the cry "no taxation without representation" echo his desire to be free from subjectivity and that as a free man he could pay his own way?

William Penn believed that government should promote public education since an enlightened society promotes improvements for and among all its members in perpetuity. Is it not worthy to note that the education article of the Pennsylvania Constitution mandates the principles of his educational convictions which in part are expressed in his preface to the First Frame of Government for Pennsylvania in 1682 (the colony's first constitution)? Is it not also appropriate to chronicle that the founder of the Commonwealth enunciated, nearly 300 years ago, that public education must not only be general, but free? Did he not proclaim that it must be based on the belief of the value of every man so that no man (and without regard to rank, wealth, or power) is to be denied a free, common, and equitably equal educational opportunity to develop according to his intellectual capacity and skill? For is this not summed up by him when he wrote "....men of wisdom and virtue, qualities that because they descend not with worldly inheritance, must be carefully propagated by a virtuous education of youth, for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents for their private patrimonies...".

In 1776, therefore, when the first Constitution carried with it an educational article, did not the people, although recognizing the need for the education of youth, desire to self determine at the local level whether they wished to support education, and if they did, to what extent they desired to support it? Is this not why the election and the cost of education was placed by that Constitution as a legislative elective function of the County and not the State?

Did it not take another fourteen years for people to become secure enough in the knowledge that they were, in fact, free people? With that trust, in the 1790 Constitution, did they not write, while in Philadelphia, an education article which permitted, for the first time, education to be the exclusive responsibility of the Legislature, the terms of which were broad enough to require statewide common education?

As the implementation of the 1776 education article was left for the County legislative process, were not any taxes collected for the support of education local taxes, and the taxpayer a local taxpayer? When the 1790 and all subsequent educational articles were passed, was not the legislative function removed from County responsibility and vested with the State, namely exclusively in the Legislature? Thus, from 1790 on, did not the duty to support constitutional education then cease to make the taxpayer a "local" taxpayer in terms of County (local) legislative government? Instead, did not these Constitutions (from 1790 on) elevate the term "local" to the State (Community of Pennsylvania) in terms of legislative function for public education? While so changing, did they not authorize the Legislature, if it so desired, for expedient purposes to create school districts as administrative units to be cloaked with administrative powers, and not legislative powers?

Ever since Article VII, Section 1 of the 1790 Constitution, which was the first Article broad enough to permit a Statewide system of education at public expense, was not the Legislature limited as to the method of addressing the support of its mandates?

Was not the community of the Commonwealth in the late 18th Century still very large from a physical point of view? Was there not a difficult administrative record keeping task? Were there not many localities within the State that were for all intents and purposes so remote that communication in all ways was limited and spotty? Was there not a greater need to rely on County officials to act, not only for County government legislative purposes, but also as administrative centers (with only administrative powers) of State government responsibility? For, in reality, were they not at this time the highest effective government body able to administer? Did not the state legislature itself convene very sporadically? Did not the state capital not move to Lancaster from Philadelphia until 1799 and then not to Harrisburg until 1812? Did not these limitations then require accountability of State functions through the only available "sophisticated" government, namely the Counties? Unfortunately, did not sometimes the duties of State and County government get intertwined and misunderstood causing custom, practice, and confusion to prevail over proper and separation of functions?

Did not failure of a "comprehensive" Constitution cause certain substantive sections of it to be deprived of the opportunity for proper and adequate implementation, particularly funding?

Was not one of the reasons for the problem the fact that while the substantive article called for statewide classification of equality of educational opportunity statewide, procedural classification for effective support funding was too restricted and narrow?

Did not the legislature in passing legislation, knowing full well that its statutes fell short of adequate addressment because of these constitutional procedural defects, nevertheless endeavor to give color and credence to substantive Constitutional mandates?

As a result, when the legislature, particularly after 1790, addressed the article and its amendments on substantive education, was it not confronted with two practical issues? Was not one issue concerned with the availability of constitutional legislative authorization which would be broad enough to permit an effective and usable broad base of wealth to be taxed for a statewide function, and at the same time, be easy to implement at the State level? Was not such authority missing from all the Pennsylvania Constitutions until one was adopted in 1968 permitting a state tax on personal income?

Parenthetically, did not the federal government find itself, to some extent, unable to fund national interest requirements properly and adequately until an amendment to the U.S. Constitution in 1913 authorized a federal graduated income tax?

Was not the second issue one which concerned selecting taxes that could be counted on and processed at the available administrative levels?

Did not the second issue therefore revolve around the first in two important ways? First of all, since private property available for State taxation had to be other than personal income, was it not difficult to find a source of wealth that could be taxed and collected at the state level which would bring in from classification taxpayers sufficient revenue to support large state function (education) expenditures? Secondly, would not the State

administratively have to rely heavily on accountability and control through officials who were more familiar with the grass roots residents and the assessment of their wealth holdings, namely County officials?

Did not the General Assembly search for broad classifications of wealth within the restrictions imposed by the Constitution? Did it not establish the state tax equalization board in 1947 to equalize the value of taxable real estate to aid in providing a broad base of equalized supportive wealth though its use was programmed for utilization with the dual funding equalization formula system?

Aside from the General Assembly's sincere effort to bring about statewide equality of educational opportunity, did not two defects become evident within the STEB processing system? As STEB depends in part on county certification of taxable real estate values for the equalization of market values, was it not left to the counties to determine the assessments and when they would be made? Secondly, as STEB's process is two staged, namely averaging and equalizing, are not the use of factors needed for equalization not being implemented? Is not there a need for corrective legislation to cure both defects? Should not the STEB concept be enlarged to compute the equalization of all wealth so long as it would not be predicated on subjective determinations and value judgments? Would not this process programmed into the use of a full state centralized funding system provide a statewide equality of educational opportunity?

Did not the slow evolutionary path of procedural Constitutional authority to implement and fund substantive constitutional mandates, coupled with the deficiencies in administering statewide functions by a central agency of the State in the "horse and buggy days", tend to aid and abet a defective premise that school taxes were local taxes since they were being collected locally through locally elected officials? While lack of knowledge and innocence of purpose prevailed, as the new-found freedom and government were being explored in the 18th century, did not the expediency of the times seem to dictate that the infant government's need must be implemented and procedural problems could be later adjusted? Did not, therefore, it seem practical and necessary that taxes for education could continue to be levied and collected at a regional and local administrative responsible level? From a logistical point of view, did it not seem physically that the same "little red" school house was there, the same headmaster was there, and the same man who collected taxes for 1776 elective county education and prior thereto was also there? Did this view not continue to pervade the indoctrination as statutes caused the administrative functions of education to pass into the hands of school directors in hamlets all over the State, seemingly in tandem with local municipal government?

As time went on and public education demanded further funding, did not the legislature "contribute" (as the State administrating facilities grew and became more sophisticated in its ability to function, due to the accelerated progress in opening up of the State,

particularly since just prior to the middle of the 19th century) more from the taxes than it itself was able to collect? Did this not then further contribute to the assumption that "local" school officials had legislative powers and could tax according to the "local" area's desires? Did not many forget or ignore that the people voted for an article in the Constitution that spoke to a statewide system? Did this premise not also give rise to an "idea" that the Legislature in the State Capital should "contribute a larger percentage" to local education? However, did not Constitutional education from 1790 legislatively require the General Assembly to be solely responsible for 100% funding of public education in the first place?

Did not the continued "refinement" of dual systems of funding "equalization" formulas, further developed in the early 1900's, in conjunction with the lack of adequate Constitutional procedural means to effectively fully state fund public education, cause such additional problems as to now show that Constitutional education must be supported by full state centralized funding?

Are not the administrative facilities of modern times more than adequate to handle the administrative and Constitutional provisional needs so that enabling legislation can carry out the assignment required by the Constitutional education mandate?

In light of the national thrust prior to 1913 toward establishment of a broad base (income tax) of funding for the needs of the

federal government, should not the formula makers for both the financial support system and the substantive delivery system for Constitutional education have seized the opportunity to design and recommend to its needs as a system of the whole, rather than to a fractionalized system? As time went on and needs became greater and more diversified, did not funding systems move further away from the ability to meet the tests of Constitutional education?

More specifically, should not Ellwood Cubberly and others in 1905 have recognized that Constitutional education must be equated with statewide equitable equality of educational opportunity and not with local authorization to set local standards at superior variance to that of the State's substantive educational programs? Should not Updegraff in 1921 have, in effect, understood that "local" referred to monitoring the local accountability to statewide equitable equality of educational opportunity and not to the raising of funds?

Was it not unfortunate that both these thrusts had not been understood or advanced to point out that a Constitutional enabling article to produce broad base financial support to properly and effectively produce statewide equality of educational opportunity was critically needed? Would not, perhaps, the amendment to the Pennsylvania Constitution in 1968 authorizing the levying of a personal income tax have been realized sooner, and have by this time by itself or by amendment authorizing a graduated income tax been used as the basis for full state centralized funding for education? Has not the Report of the Governor's Citizens Commission on Basic Education in November 1973 advised addressment to the issue?

WHAT IS MEANT BY LOCAL SUPPORT OF PUBLIC EDUCATION?

It is important to note, however, that while the language of the Educational Article (Art. III, Sec. 14) of the 1967 Constitution is extremely broad, it is nonetheless conditioned by the words "serve the needs of the Commonwealth". As the General Assembly enacts the laws, does it not alone, in its wisdom, determine the "needs of the Commonwealth"? Is it not therefore critical that vigilance be practiced to make the General Assembly aware of the needs of the people? However, while Constitutional education guarantees equality of educational opportunity, does it not also mandate that the General Assembly is to exclusively determine the extent and the parameters of the State's needs? As such, from a State's point of view while its offerings within equality of educational opportunity concepts can be very full or very limited, will the Federal Government in order to protect its national interests, permit itself to stand idly by without taking corrective action if necessary?

Is not the concept that support of education must be supported at the local level important, not from the point of view of raising "local" revenues, but rather in order to establish the local understanding that education is one of the foundation stones of society, and that encouragement for it must be firmly established at and from the local level (community)? Was not the pivotal point of error established when this concept of local support of statewide public education was translated into the need to raise "local" dollars (as had been the original custom of supporting early limited Constitutional

education) rather than founded on the principle (set forth in the later Constitutions) that statewide equality of educational opportunity is to be provided by support of the Commonwealth's private wealth under one system for the statewide entirety of the public interest? Therefore, under the later Constitutions, must not the statewide system be monitored by the local citizenry, and in particular through their elected school directors, to assure its measurements must locally stand the tests laid down by the state educational system as to both quality and equality of opportunity? If the funding of the system must be supported by the statewide taxpayer, is it not wrong to permit "locally" stockpiled state funds to be used to support inferior or superior "local" education? While their use may produce a lesser or better quality of equality of educational opportunity locally, do they not further erode the Constitutional mandate to provide a statewide common threshold for both the funding of and receipt of educational opportunity?

Is it not important, as the movement of the population continues to accelerate from one geographical area to another, that the "venues" (units) of administrative addressment be able to address both substantive and financial equity as these interests require? As the patterns and movement of the population cycles and changes respectively, does not the concept of the terms local and community also change? Is not the duty to provide for the support and maintenance of public education a legislative state function? As a growing percent of taxpayers, particularly those who have no children of school age, do not know in which school district they reside and pay taxes, is this not indicative that they recognize that they must provide support, as state taxpayers,

for the students of the Commonwealth whatever their situs? For while the population, not the administrative unit moves, is not a state taxpayer, whose duty is to equitably contribute according to statewide classifications of wealth designated for levy, entitled to presume that his wealth is contributing to a statewide equality of educational opportunity threshold?

When the call comes to equalize real estate assessments from various areas of the state, are not these calls really attempting to address themselves to the cause, and not the symptoms? In other words, is not the cause of their discontent really based on the concept that they are paying disproportionate variable shares of the statewide educational tax burden for the support of education? Do not their remarks seem only to thrust at the tip of the iceburg, the irrational assessment of taxable property values? Because of the illusiveness and complexities of the present way of funding education, is it not difficult to understand the basis of the causes of the injustice about which they complain?

Because of the mobility of the citizens of the U.S., are there not developing "throw away" communities? Are not people who are residents of the State and citizens of the Federal Government, even if they are residents within a local community for a very short time, nevertheless entitled while they are there not only to all the rights equivalent to the franchise of those who spend a lifetime in the community, but as well to those protected by equal protection of the law clauses whatever their situs? Has it not been apparent that these "transients" have demanded and pressed for better educational delivery services from their present communities which trends to force equality of educational opportunity and process?

If the response from those who are other than the "residents for a day", is that local cost of quality and equality of educational opportunity is too high to support "the in-and-outers", who in their opinion do not "contribute" a quid pro quo, and therefore keep the quality of district's educational offerings to all students below the State threshold, do the children of both groups (short-and long-time residence) have any less right to receive a state mandated quality and equality of educational opportunity wherever they reside? Because local districts, under dual subsidy funding equalization formula systems, may control the manipulation of supporting education in accordance with their desires, would not full state centralized funding relieve the inequities to the students and the taxpayers?

WHAT IS THE "IN LOCO PARENTIS" ROLE OF THE STATE IN EDUCATION?

As the State stands "in loco parentis" to all the children of the Commonwealth and, as a result thereof, assures to them (both singularly and collectively) for constitutional mandated education, equal protection under the law, (not degrees of privilege or classification of disfavor), is not a statewide quality expressly implied within the Constitutional guarantee of a statewide equality of educational opportunity although their respective thresholds are determined by the exclusive wisdom, discretion, and direction of the General Assembly? Should not all segments of the Commonwealth Community advise the General Assembly as to their local needs while they serve to the needs of the Commonwealth as a whole? Can there be a comprehensive Commonwealth educational delivery system without taking into account the

needs of all segments which includes the need to address to the equity of the equality of opportunity? Further, are not all Commonwealth students entitled to and guaranteed an equitably equal educational opportunity under the Education Article of the Constitution, (the people's Will), which specifically and expressly requires the General Assembly to be their chosen provider and to carry out the mandate in serving the needs of the Commonwealth?

WHAT IS THE PRINCIPAL AGENT RELATIONSHIP PERMITTED TO THE GENERAL ASSEMBLY AND ITS AGENTS?

Does not the Pennsylvania Constitution expressly place the total and exclusive responsibility upon the General Assembly to support and maintain a state public education system? While the Education Article does not authorize or name others to share prime responsibility with the General Assembly, may it not in its wisdom delegate agents to carry out its administrative directives? However, are not such agents unable to be authorized to exceed or retard the duty of the General Assembly to provide a free, common, and equal educational opportunity? As the General Assembly recognizes that equity must be supplied to the variable substantive needs of the Commonwealth Community, must it not allow for local need (not local favoritism, autonomy, and control) as part of its comprehensive directives? Would it not, however, be in violation of its duties under Article III, Section 14 if it directed or allowed agents to independently self-determine the quality and equality of local segregated substantive programs and use public funds with indifference to its charge to establish a statewide equality of education opportunity delivery system and program? Must not the General Assembly, through action or inaction of either or both itself and its agents, promote a public education system which allows not for the funding of districts

(administrative units), but rather for funding the education and training of the Commonwealth's child according to his/her capacity? Must this not be programmed within the parameters that the General Assembly has set in its wisdom to serve the needs of the Commonwealth which from a comprehensive point of view includes all the variables of local needs? Must not local needs be addressed and provided for through statewide classifications, including students and programs, and not by autonomy, segregated, and independent local control? Is not allowing some segments (administrative units) to provide more (than equal) just as abhorrent as allowing some segments to provide less? Are not all monies levied in the state provided to support and maintain "Constitutional education" state public funds? Does not the private wealth upon which the public funds are levied by either the state or "local/state" agents owe its duty only to support "Constitutional education"? Should not these public funds, drawn on private assets, come from those belonging to the broadest classifications of wealth affecting the most people, but which will not be unreasonably burdensome nor be substantially discriminatory against them due to inequitable tax levies? Should not the choice of classifications be of those which affect the greatest number of people? Is this not primarily in order to address the concept that as education is one of the foundation stones of society it must be supported by the greatest number of people?

WHAT ARE THE EFFECTS OF DUAL SYSTEM OF SUBSIDY FUNDING "EQUALIZATION" FORMULAS AND FULL STATE FUNDING?

Are not inequities in the ability of local districts to provide equal effort due to wealth disparities in any dual system of subsidy funding "equalization" formulas (known as Minimum Foundation formulas, Guaranteed Tax Base formulas, Percentage Equalizing formulas, or District Power Equalizing formulas which in their purest form are mathematically equivalent)? Is this not because they are directed and programmed to the wealth of local districts, the results of which are veiled in and depend on value judgements, political, or manipulative decisions? On the other hand, does not centralized full state funding neutralize wealth and permit addressment of educational expenditures on the need of the child rather than on the wealth of local districts (which has no relationship to the equity of equality of educational opportunity)?

Is not another example which proves the inequity of the use of the dual system of subsidy funding "equalization" formulas the situation where two school districts at a given time have identical wealth and the identical number of students, yet one district will have to expend greater local effort because of the variance in the make-up of the student body (i.e. the weighted WADM, the total of individual educational prescriptions of the students, the number of secondary students vs. the number of elementary students, etc.)? Does this not cause the taxpayers, both individual and business, in that district to support the heavier burden strictly because of the make-up of the student body regardless of how the State's subsidy credits the weighted student since even if the state's subsidy is increased, the cost to

those local state taxpayers is still above that of the neighboring district's taxpayers? Since all dual systems of subsidy funding "equalization" formulas are built on "chance", do they not cause taxpayers to shoulder a different burden than neighboring district taxpayers and the state taxpayers as a whole? Is their duty to pay not to be greater or less than their peers' responsibility within their classification? Is not the classification that of a Statewide taxpayer whose duty is to support Constitutional education?

Thus, do not the dual subsidy funding "equalization" formula " systems of funding education have the effect of causing unreasonable and substantial discrimination in many ways? Further, is not the funding of districts rather than the child developed on a "slush fund" concept? Because of this "slush fund" windfall, can not the school district which does not have heavier burdens as aforementioned either offer a higher quality program per student at no additional cost to its "local/state" taxpayers than the school district with heavier burdens on its "local/state" taxpayers? Can it not, as an alternative, offer the same quality program per student as the other district, but at a lesser cost? Is this variation not at constant activity among all school districts, the results of which continue to vary not only the quality of the districts' offerings but also vary the responsibility of the statewide taxpayer? Does this not cause both imbalance and inequity within the same statewide broad classifications?

Should not education be both the bridge and the channel to knowledge rather than its toll gate? Should not those who finance this system on both sides of the bridge and channel equitably share and bear its costs? If the object of education is to aid both the Commonwealth's interests and the Commonwealth Student in crossing that bridge and channel, should not the financiers of the bridge structure bear and share equitably in its costs, while those who use the facilities be offered and provided with an equitable equality of opportunity according to the class of user? Given the query "is even even even", is it not important to comprehend that equality of educational opportunity has, by implication, built into it the concept of equity?

ARE NOT LEVIED TAXES "TRUST" FUNDS FOR THE COMMONWEALTH CHILD?

Whether private assets upon which public funds are levied are either centrally or locally stockpiled by classification and identified for State Constitutional education use by the General Assembly through the State Executive, "local/state" agents, or the General Assembly itself, is it not abhorrent that one or more of these designated groups can alter the local quality and the equality of educational opportunity either below or above the Statewide threshold? May one of the designated "local/state" agents, (a local school board), according to its own desires, arbitrarily levy on "local/state" designated available taxable wealth not equitably stockpiled within the administrative units in order to achieve by voluntary independent determination a degree of quality of education and equality of educational opportunity which is different in kind (e.g. superior or inferior) from the threshold

of the State's mandated educational program? And which in effect results in an alteration and disproportionate share of taxpayers duty to support a statewide equitable system of funding education? By what equitable principle can this taking be justified? Must not all classifications refer to constitutional responsibility upon which legislative wisdom is then premised?

Is not the constitutionally mandated Pennsylvania Public Educational System to be supported by public funds that promote and contribute to the whole? As such, are not any and all such funds for which the General Assembly authorizes and designates for levy for educational purposes to be held "in trust" for use for the equitable benefit of all the children of the Commonwealth? For public education, is not the General Assembly's duty to serve the "needs of the Commonwealth" regardless of where any or all the funds are stockpiled? Is it not impossible then that the General Assembly can earmark and designate a portion of those funds levied and held for the exclusive use of all local school districts for use to vary the statewide quality and equality of educational opportunity for the exclusive benefit of some administrative district?

As the child is to be funded rather than the district, is it really possible to truly equitably fund the educational responsibilities of the General Assembly with a dual system of support funds no matter how dedicated the administering? If trustees use "trust" funds designated for equitably equal distribution for favorite treatment among some members of the class, should they not be held personally accountable to the entire class of beneficiaries for the wrongful distribution?

As Administrative Authority ("Control") is only for the purpose of dispensing benefits within the state's threshold of equitable equality of educational opportunity, is this not reason enough to direct our energy, not to address local control but rather, to address local needs within the State educational system? In turn, would this not comprehensively identify the equitable and substantive needs of the Commonwealth as a whole? Would this then not allow for the provisions of equitable distribution of "trust" funds to serve those identifiable needs? Would they not be supplied from statewide support funds levied equitably from the broadest classifications of wealth (without substantial unreasonable discrimination) as State "trust" funds wherever they are located? Would this not implement the Constitutional mandate for a free, common, and equality of opportunity education for all the Commonwealth children whatever their situs?

DOES NOT THE GENERAL ASSEMBLY ALONE HAVE "ORIGINAL JURISDICTION" OVER CONSTITUTIONAL EDUCATION?

When a duty to provide calls for a duty to support, the language of which is not otherwise restrictive and/or limited to the role of partial support, is it not that the duty to support is exclusive and singular and must equate to the mutual exclusion of the right of others to share original jurisdiction to address the duty to provide? Is it not true that the Constitution in addressing to public education does not franchise other entities of the state with original jurisdiction to compete, supplement, and/or share control with the General Assembly's right and duty to provide support for public education? Is it then not that only the General Assembly can draw upon and use the Commonwealth's "private" wealth as a source for public funds to support Constitutional Education?

Parenthetically, there should be no confusion on this point by the assumption that local school boards have a power to tax, for is their power to tax not original but merely derived as a delegation of the General Assembly's power to act as agents on its behalf? Since a principal may at anytime remove the powers of an agent, may not the General Assembly amend and/or entirely remove the taxing authority of local school boards?

Is it not a corollary thereto that any wealths from which public funds are raised in support of the General Assembly's prescribed level of public education owe their allegiance and duty only to the Constitutional authorization to the General Assembly to fulfill its duty to establish a statewide equality of education opportunity and not to a local school district's self determined threshold? In reality, would not any wealth levied upon locally to produce a result not in conformity with and superior or inferior to the statewide quality and equality of educational opportunity be an unauthorized overburden or underburden upon it? Further, would not such result respectively effect a confiscation of that private wealth without just compensation or an unlawful escape from taxation? In the same vein, if public education were to be supported or supplemented by funds from a state or local government body other than the General Assembly, would not such support and spending be a derogation of Article III, Section 14 Constitutional education because it would do violence to its intent and circumvent its declared purpose of providing one statewide threshold and system of public education requiring a free, common and equality of educational opportunity? Therefore, would not a statute authorizing a referendum for elective local additional funding further erode the Constitutional education mandate and the right and duty of a statewide taxpayer to support it?

Sometimes, are not injustices carried out in the name of customs, although out of ignorance or misunderstanding they are innocently perpetrated in the name of a virtuous cause? Does not the Constitution's Education Article call for a non-fractionalized educational open society, one that does not favor or promote local elitism or superiority or cause inferiority by allowing use of public funds levied on Commonwealth private wealth to support fractionalized (local) superiority or inferiority?

Is the time not overdue to recognize the inequities that have affected the support and maintenance of the equality of educational opportunity guaranteed by the Constitution's Education Article? Should not our efforts be focused upon our intentions and implementation of the goals clearly set forth in the Constitution? Thus, should not our efforts be directed toward local needs, in accordance with and as part of the needs of the Commonwealth, rather than directed toward local control?

DOES THE AGENCY ROLE OF THE SCHOOL DIRECTOR EXCEED THAT REQUIRED BY CONSTITUTIONAL EDUCATION?

In an interdependent world, is it possible that our own State/Nation can exist without its own intra/interdependence? In a technological age, is it possible to compete without developing the gifts, skills, and talents of all the people? Could equality of educational opportunity be at all meaningful if it authorizes less to some while it extends privilege to others? Can the State afford to stand idly by and watch its children be administered unequal opportunity any more than can a parent? Can the State deny to the mobile population of

the Commonwealth and the United States a disproportionate educational opportunity without doing harm to the needs of all? Should not local school boards act as advisory to the State as to their local needs and allow the Legislature the duty to finance what by duty it must itself provide? Further, are not some of the services the General Assembly directs be carried out by school districts either ancillary to or other than educational services? Are not educational agents being required, as a result thereof, to levy within their districts' support for services other than those mandated by Article III, Section 14 Constitutional education and which should be provided by separate funding by local or other State Jurisdictional government? Shouldn't the General Assembly preliminarily define substantive educational system services? Unless the General Assembly defines a thorough and efficient education, will it not remain very difficult to sort out its directives rooted in the Educational Article and those attributed to non-educational sources? Is not the school director being required to represent the General Assembly beyond the mandates of Article III, Section 14 for supplying services other than educational? Must they not be separated and supported by separate jurisdictional funding and fiscal notes?

In looking to the future of education in Pennsylvania, must there not be a look to the "needs of the U.S." and the U.S. citizen and how those needs interrelate to and with those of other nations and all of mankind? Are not the "back to basics" movements grassroot concerns addressed to accountability and how the schools are meeting the needs of society in general and students specifically? While recognizing the need and requirement, as history testifies , of the professional

teaching master, do not these substantive concerns in part demand "an offer of proof" from the professionals by requiring an objective accountability? Are not individual educational planning prescriptions directed to the needs of students, the involvement of which by implication also serves the needs of the community? When the community of Pennsylvania as a whole demands greater input in both the allocation of education funds and a more equitable distribution of quality and equality of educational opportunity, what are the points at issue? When analyzed, do not these goals encompass the concerns for local need, including the local need for involvement, the local need for participation, the local need for statewide equity in funding, the local need for statewide equity in equality of educational opportunity and process and the local need to advise? Does not local control in education, on the other hand, promote isolation, elitism, segregation, autonomy, and fractionalization in society?

IS THERE A NEED FOR A CITIZEN ADVISORY COMMITTEE? WHAT IS A COMMUNITY?

In an age of technology which includes the use of computerized programmed "thinking" robots, must there not be a prevention of educated illiterates by methods which include the call for retraining and recycling for the benefit of the needs of society? Is there not need for broadening of the educational system which would include the utilization of the total community's resources including but not limited to industry, libraries, and businesses (the third environment)? Within this context and as it relates to all the needs of the Commonwealth including educational, those ancillary and adjunctive thereto,

and those other than educational, must there not be a permanent functioning citizens' advisory panel to collate the goals of the state/nation? Should not such an advisory panel have channels of support established at both regional and local levels with tandem working relationships?

Since each member of a society should represent an asset of some value to it, shouldn't society encourage the development of the abilities and capabilities of each individual to his/her potential? As a certain percentage of the population is constantly on the move, both within and among states, should not the local community, in addressing local need, include in its comprehensive projection an understanding which recognizes the fact that some day part of it may be composed of people from another community or local need area? Is there not a much greater need for total community advisory boards, councils, and groups to address community challenges of both the present and the future? Is it not true that one's community of today may be another's community of tomorrow? If some districts (administrative units) produce more than they will later receive in return due to shifting populations, are they not in the long run short changing themselves? Are they not themselves causing the application of the effects of the law of diminishing returns? Thus, should they not also be demanding that a higher quality level of education be provided throughout all communities of the State and be contributing equitably to it?

When the General Assembly in 1963 directed consolidation of school districts (resulting in 505), did it not do so in part in order to address the Commonwealth's needs for more adequate educational programs and the desire to achieve greater efficiency of operation? Since that time, have not events in part moved so rapidly that the educational system continues to be faced with inadequacy of educational program and inefficient operation? Has not the time arrived for the General Assembly to look to the roots of its responsibility in providing constitutionally mandated education and to re-evaluate the "needs of the Commonwealth" in order to create a much more effective substantive educational system? In order to implement the educational program, must not the General Assembly develop a way to more economically, prudently and equitably finance it? Is not the primary purpose of the Education Article to thoroughly and efficiently educate rather than to establish waste and duplication or foster bureaucracy? Surely, do not the events and facts prove that some sort of administrative cooperation, no less than regional, is needed rather than local isolation and local control? Is not such a broader base for local need through citizen input a present opportunity worth investigating? Would not a standing Blue Ribbon advisory panel, chosen from all segments of the Pennsylvania Community, be helpful in aiding the General Assembly in correlating and accomplishing these tasks? Should not such committees be operating in cooperation with similar committees of other states and with interstate committees?

As the world has grown smaller, has not the concept of community grown broader? Has not interdependence created the need for more

intensive cooperation and redefinition of the term "Community". Therefore, does not the General Assembly have to define and evaluate the concept of Community when it sets physical and population boundaries of schools districts which must serve within its administrative system? Must not such evaluation include addressing both interdependence and local needs? Correspondingly, do not zoning ordinances have an indirect but nevertheless substantial effect under any dual system of subsidy funding "equalization" formulas upon the education taxpayer's duty to equitably support constitutional education? While it is found that local comprehensive zoning planning is ineffective because the concept of the term community must be redefined to address to the quantitative and integrated needs of a larger area, will not regional planning ventures (including intra-and inter-county cooperation) also erode equity in educational funding which must support equality of educational opportunity and process and thus be on a collision course with dual systems of subsidy funding "equalization" formulas? Must not these dual systems give way to full state central funding?

Was not Article III, Section 14 of the Pennsylvania Constitution intended (by its framers and voted upon by the people) to establish broad substantive parameters for addressing the future educational "needs of the Commonwealth" as well as present ones? Will not these needs intensify rather than diminish? Does not education need to address society's comprehensive needs in general including the composite of local needs? In another vein, since there cannot be a right unless there is first a need, is not the advocating of local

control like assessing the world's problems from inside an ivory tower whose walls are lined with mirrors reflecting the self-images of those within?

Parenthetically, has not the 1967 Education Article torn down the walls and mirrors of the second environment built by the 1874 Education Article by changing the location of the learning center situs from a "system of public schools" to a "system of public education"? In part, does this change not let students be educated in the third environment (the community) which can be the laboratory to blend theory and practice?

Can the troubles and ills that beset society be solved by the turning of backs on society? Should not local communities be assessing their local needs in order to enhance society in general rather than retreating into isolation, particularly since the "gate keeping" practices of the past have given way to freedom of mobility? As there have been in the past movements toward fragmentation and detachment, does not advocacy of local control tend to promote that fractionalization? However, is not one of the purposes of the Educational Administrative System, including Intermediate and Administrative units to stimulate cooperative achievement, not division? For while competitors who thrust toward achievement are rewarded according to the degree of their success, do not the emoluments of that success belong to mankind? As government of, for, and by the people is to aid and abet for the common good and has an in-common goal to produce the uncommon man, must not local needs in education include the addressment of interdependencies instead of promoting detachment, isolation and self-interest?

WHAT ARE THE NATIONAL AND GLOBAL ASPECTS INVOLVING EDUCATION?

As the population of the world within the next 50 years is predicted to increase at a very substantial rate, will not the incidence and effects thereof, including pressures and burdens of universal proportion, be placed upon nations including the United States? Is not there need to have an educational system that will meet the challenges of preparing men to cope with life upon a much heavier populated planet? Since even Pennsylvania's population, including student enrollments, has been subject to acute change, are the administrative units, as they exist in size today, really prepared to effectively and efficiently cope with future trends whatever they may be and wherever they take place? Does it not seem that action taken in 1963 for reorganization of administrative units by the General Assembly has long been outmoded and obsolete? Has history not shown that a more stable method of providing Constitutional education is needed, one that is adequate to educate and train the state student, not support bureaucratic administrative units (see Sec. 290 set forth on page 60)?

Parenthetically, have not the present and past administrative unit organizational structures, instead of effecting economies and efficiencies, by the virtue of their make-up caused the contrary result? Instead of being able to promote better economies and efficiencies, have they not been subjected to problems for which they were not equipped to deal with effectively?

Do not some of these obvious deficiencies, include concern with closing buildings due to population declines, bond issue costs because

their "local" wealth bases were varied and inadequate, acute population increases and decreases which strained the wealth of the local district, fighting with the Department of Education for withheld subsidy money because of events beyond their control, and other imbalances in not being able to deliver to a statewide threshold of equality of educational opportunity program as further set forth in this paper?

Is it not imperative to address economic threshold needs to an educational threshold of needs rather than vice versa? Have not the effects of addressing to the latter usually resulted in wars which caused further instability and imbalancing necessitating years of wasted energy just devoted to corrective measures? Have there not been over 100 civil wars just since 1945, and most of them in regions of the world where very little, if any, public education is offered? While education is not in itself equated to peace by definition, does it not provide another tool in the arsenal toward aid and understanding for problem solving?

In the future, will not education accelerate in importance to develop the skills, talents, and gifts of all the people to prepare for and meet the needs of a more intensive and interdependent society? In fact, are there not already "global" learning centers taking on responsibilities of training for an interdependent world? Is not addressment to energy, food, conservation, and environment concerned about serving the "needs of life" on this planet? Since education is the light that kindles the flame of knowledge, isn't it important to make sure that the light seen at the end of a tunnel is not that which is connected to the front of an oncoming freight train? If the cargo

of that freight train is education, shouldn't its destination be to the situs of individuals and its quality be for their benefit in common with the "needs of the Commonwealth" and those of mankind rather than to territorial locations where quality of the delivery is determined by local control according to the ability to pay? If a need is unable to be serviced at a station, shouldn't that train be available to transport students to a network station of the system, including any in the third environment, instead of being flagged because of local control concepts? Has not the present Educational Article provided the necessary groundwork for servicing this need since it addresses itself in part to providing for a system of public education?

Shouldn't the cargo on the train also be more varied and broader in scope? Does not the projected future indicate that educational offerings must be expanded to include programs that can aid both the Commonwealth and individuals according to their abilities and capabilities? Is it not the turning away by society of individual need that brews discontentment? When collective discontentment reaches to a threshold above which an explosion shatters the silence, is not the cost, both monetarily and in kind, irreplaceable to society? Unless there is proper planning at a high level for a wide diversification of program offerings, could it be that there will be a new type of segregation confronting progress, whose basic discrimination is not race or sex, but rather denial of the opportunity to develop one's gifts, talents and skills?

HOW SHOULD A STUDENT BE EDUCATED?

As each student according to his/her abilities and capabilities is being schooled for his/her contribution to the total worth and resource of society, the quality of which is partly dependent on the effort made, should not the education of the student be measured not by the equality of product but rather by the equality of educational opportunity and process through use of I.E.P.s (Individual Educational Prescriptions)? Must not the result, the product (student), be measured by the effect of his/her contribution on the degree of society's affluence as developed through equality of opportunity and process according to the student's capacity? Thus, should not funding formulas be addressed to equality of educational opportunities and process to aid in the development of the uncommon man rather than to equality of product results? For is not equality of product results reserved to evaluate the efficiency and quality of producing and molding computorized programmed robots, not humans?

Is not an I.E.P. to an equal educational opportunity akin to a seed which must be nurtured until maturity? Should not an individual education prescription be processed until its promise is fulfilled for both the individual and society? Is not a seed watered and fed, not necessarily to be exactly like others, but to contribute according to its capability to the harvest?

Should not State Goals of Education therefore incorporate within them the needs of the State and by implication local needs, individual needs, and such other needs that promote the national interest as they relate to and concern the equity of the equality of educational opportunity? Collaterally, does not a further insight into the integration

of this query suggest that a taxpayer's duty is to support Constitutional Education and not locally controlled education? If a taxpayer with the same identical wealth must pay more in one district to support equitable equality of educational opportunity than if he paid in another district, is he not being prejudiced to his detriment and his wealth being comparatively overburdened as to its relative worth and usage? Is not this duty to support a statewide system not a local one? Then too, if he were free to do so, would he not choose to have his wealth in a district which would be less burdensome on it? Is not this, in part, reason for causing higher taxing districts eventually to deteriorate? Assume school taxes which are in fact required to support a statewide system of education were called income taxes, if state income taxes were authorized by the General Assembly to be levied at different local rates, would it not be clear that taxpayers would be contributing as state taxpayers in disportionate amounts?

HOW DOES THE LISSAJOUS OF WEALTH INTERRELATE WITH SERVING CONSTITUTIONAL EDUCATION?

Should not formulas for funding education be subject to more critical objectivity in regard to their ability to provide equity of equality of educational opportunity, as well as to be more efficient whether or not demands on available wealth to support other services grow and economic pressures cause it to be in shorter supply? Further, does not the lissajous of wealth illusively swing from one position to another (including physical locations e.g. urban-rural)? Is it not true that wealth basically is created by society's needs, the value of which in most cases is determined by checks and balances at the market place? Thus, does not the degree of affluence of society

establish a demand worth and place a price tag upon all emoluments? With few exceptions, is not the degree of affluence dependent on the thresholds of quality and equality of educational opportunity?

As the value of wealth is constantly changing, should not taxable wealth for support of Constitutional education be that which touches and concerns most people and is of and from the broadest use classifications? Does not the failure to have taxable wealth predicated upon the dynamics of "evolutionary" wealth movements as determined at the market place aid in effecting an unstable regressive tax base resulting in unreasonable and substantially discriminatory tax burdens?

Is not private wealth intransigent and in constant change of values and kinds? If it is to be used as the basis for equitable tax levy, is it not necessary that it be cradled in a receptacle which is sufficient enough to include the composite of the intransigence, values, and kinds? Would this not allow them to float free to seek levels from which their factors can be averaged, equitably equalized, and classified for selection? Would this not permit the dynamics of this evolutionary wealth to be freed for leviable wealth in carrying out an object and purpose which itself is required to provide an equitable equality of opportunity? Further, must not any wealth used for tax levying purposes be that which is substantially devoid of subjective value judgments of its worth if the results of any state tax equalization process of it is to be of any meaningful and equitable value?

WHAT IS THE FEDERAL GOVERNMENT'S INTEREST IN EDUCATION?

As the national interest increases and becomes more intense as a result of growing global interdependence, is it not possible that within the foreseeable future, while the delivery and monitoring of education has been left to the individual states, a basic uniform formula for establishing equity of equality of educational opportunity and financing education will emerge between the States for the security of the national interests? Within that formula, will not a provision have to be made to classify, average, and equalize all wealth usable for taxable purposes, not only for the States' internal use, but also in relationship with each other and with the Federal Government? Will not the Federal Government, in order to preserve and encourage the equitable equality of educational opportunity and process and its substantive value as a national resource, aid the states in developing among them a uniform system of funding education? As the goal is a two stage process, must not the first step cause wealth to obtain a position of fiscal neutrality in funding equity and the second step assure equitable equality of educational opportunity and process? Would not such achievement then allow for reasonable flexibility in providing for pupil, local, state, and federal needs? In fact, is not the new E.S.E.A. directing States to begin taking impact aid payments into account in their attempts to equalize state funding? Further, and perhaps even more significant, does not the new E.S.E.A. ask for studies on the equalization of school funding among states and on federal education evaluations?

Because national interests, purposes, and goals require a learned and strong America, domestically and globally, does not the Federal Government have a duty to assure that the national economy, the democratic process, and the quality and equality of educational opportunity are not impeded? Since the American population on the average moves more than once from one community to another, and as time goes on, in larger geographic circles, is it not in the national interest for the Federal Government to assure itself of a continued level of educational availability commensurate with its needs, responsibilities, and national interests? Is not education a prime national resource, the interest in which must be at least that which is directed toward physical resources, including but not limited to food, energy, and minerals? In fact today, can any worthwhile addressment be made to any needs without the prerequisite of and the reliance on education?

IS THE GENERAL ASSEMBLY SHOWING PARTIALITY AMONG ITS ADMINISTRATIVE UNITS, HENCE ITS STUDENTS AND TAXPAYERS?

Does not the General Assembly exceed its authority and act in contradiction of Article III, Section 14 of the Pennsylvania Constitution by producing unreasonable discriminatory methods for financing it when it allows, through Legislative enactments, its equal agents to have an unequal opportunity to levy support in their districts for educational expenditures necessary to meet the state's threshold for Constitutional education by causing unreasonable inequities to their taxpayers and their wealth as compared to other taxpayers and their wealth elsewhere in the state? Is not then part of the state's

wealth that is designated by the General Assembly to finance equitably statewide equality of educational opportunity unequally and inequitably "deposited" "locally" and hence unavailable for such purposes? As a result, does this not allow those districts with greater "local/state" deposits in them to also supply or have the opportunity to supply an open-ended additional degree of quality of education from state/"trust" fund assets locally (by chance) "deposited" in their districts to their use to the detriment of the statewide student who is due a statewide quality and equality of educational opportunity? Parenthetically, can there be a formula for funding education that "recaptures" wealth from some local districts for the benefit of all the districts when all assets levied upon by any school district are in reality and actually state/"trust" fund assets to begin with? Is not any wealth designated by the General Assembly for use, by itself or any of it agents, for support of Constitutional public education and to be used to equitably equalize educational opportunity throughout the State? Is it not impossible for any government body to levy upon private property or persons to support an educational program superior or inferior to the General Assembly's responsibility? Because in effect, does not Article III, Section 14 forbid it? If "local/state" stockpiles of taxable wealth are warehoused in unequal piles, not available for levy purposes except to the agents within whose "territory" they are piled to the exclusion of other agents' use, is not the action and permissiveness of the General Assembly unreasonably discriminatory as to the same class of agents (and the district's students and population

whom they represent and the wealth thereof) who have not the opportunity to share in stockpiles within their "territory" of available equal wealth? Must not the General Assembly prohibit that discriminatory and discretionary overage spending (including the removal of the availability for the temptation) by some "local/state" agents through legislation that would then in effect allow that "overage" to be available only for the needs of the state student (not just the local student) if funding for and equality of educational opportunity is to be achieved? Would not the prohibition of this open-ended misuse of "trust" funds tend to somewhat pressure toward equalization of available finances for Constitutional education when a dual system of subsidy funding equalization formula is used? However, is not a cap on spending and a bar on usage nonequivalent measures since a cap merely puts a physical limit on number of dollars for spending while a bar addresses to the substance of educational offerings by disallowing discriminatory and arbitrary standards? Is it not true that while a bar, in part, would be a veiled attempt to assimilate toward neutrality of wealth under a dual subsidy equalization formula system, real neutrality of wealth, however, can only be achieved through use of a full state centralized funding formula? Thus, while the causes and effects of these inequities are the uncontrollable results of dual subsidy funding equalization formulas, will not full state centralized funding stop these abusive and abhorrent practices?

Does not local control promote separation and division as well

Figure 1

DUAL FUNDING "EQUALIZATION" FORMULA SYSTEMS

in theory

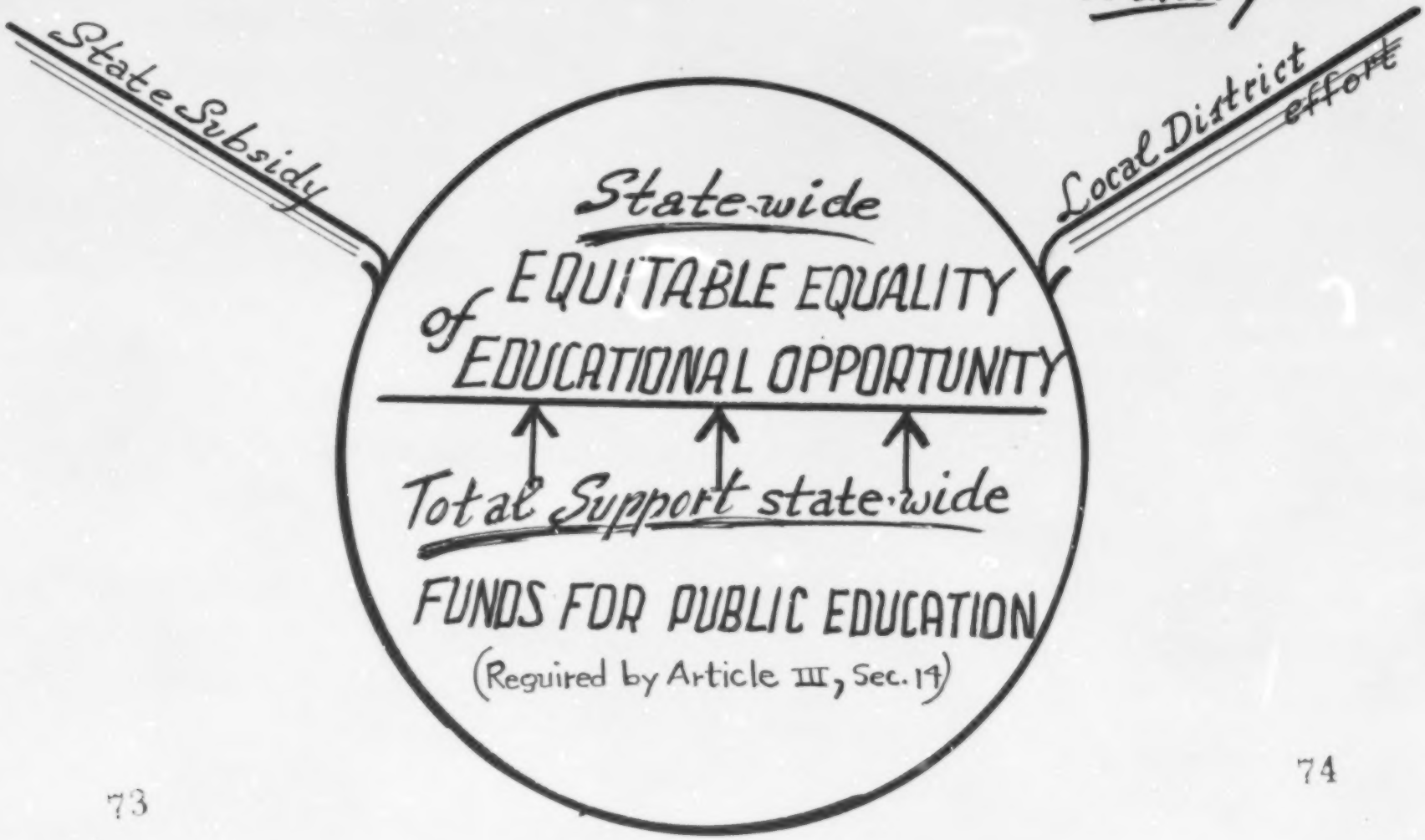
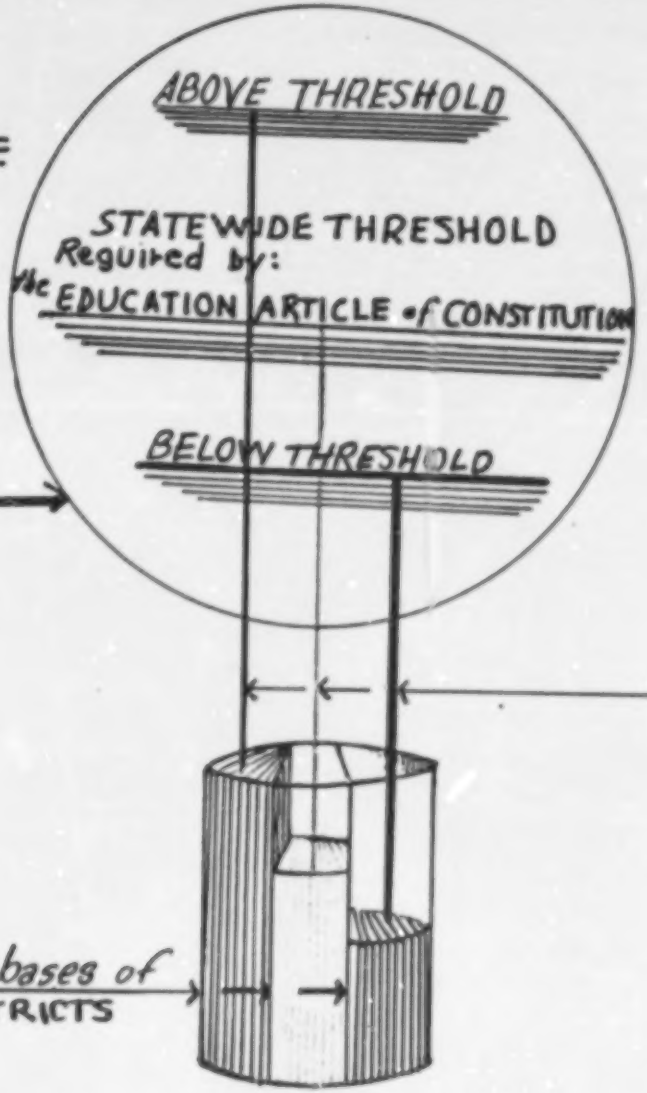


figure 2

DUAL FUNDING "EQUALIZATION" FORMULA SYSTEMS

in practice

Variations to
STATE-WIDE EQUITABLE
EQUALITY of
EDUCATIONAL
OPPORTUNITY



Additional (openended)
Support: Degree of
"Desire" to support
Coupled with
Ability to and
Actual support by
Local districts.

Unequal wealth bases of
LOCAL DISTRICTS

as isolation, selectivity, discrimination, and autonomy? Is not unity, on the other hand, strengthened by cooperation and participation and the basis from which independence and liberty reap greater meaning and scope? Isn't it far better to share in that unity by indicating the nature of local needs and having them addressed and integrated into and as part of the comprehensive needs of the whole? Ergo, does not the concept of local control divide while the concept of local needs unite? Can a house, divided, long stand? Is not the term "unit" as in administrative unit taken from the word "unite"?

SHOULD THE GENERAL ASSEMBLY RE-EXAMINE ITS DUAL SYSTEM OF ADMINISTRATION TO CONFORM WITH CONSTITUTIONAL EDUCATION MANDATES INCLUDING ITS SUPPORT AND EDUCATIONAL DELIVERY SYSTEM?

Should not the General Assembly examine the mandates of the Education Article (Article III, Section 14) of the Pennsylvania Constitution in light of the emerging and intensifying drive (bolstered by many court decisions throughout the U.S.) for (A) equitable equality of educational opportunity and process and (B) equitable support sharing of the rights and responsibilities of both the taxpayer and his supporting wealth? Should it not establish an educational delivery system and a financial delivery system which supports the plain meaning of the mandates enunciated on behalf of Constitutional education?

Would not this re-examination include the fundamental organizational needs for providing the vehicles through which the General Assembly can carry out its original jurisdiction Constitutional mandates? As the General Assembly has created various classifications of agents to aid it in carrying out its responsibilities (one class of which is called "local" school directors), and created classifications of

administrative bodies including administrative units (which are called school districts), would it not be appropriate to examine the assignments directed by it?

Within its mandate, but acting within its prerogatives to assign authority as a principal to an agent, and knowing that if it desires, it could administer Education wholly within the Legislative branch of government, did it not direct that the Executive branch of government be responsible to it, as its agent, to carry out the oversight work of administering to Constitutional education? Within this general authority, did it not affirmatively create specific agents and administrative bodies such as, but not limited to, the Secretary of Education, Department of Education, the State Board of Education, Intermediate Units, and School Directors and Districts (administrative units) and assign each identifiable responsibilities?

Throughout its legislative directives, is not there a trend which establishes dual or multi systems of responsibility? Does this concept not blend these responsibilities into either cooperative rights and duties or have them operate in tandem with each other? Is not the result of this concept intended to benefit the student in achieving a free, common, and equitable equality of educational opportunity according to his/her abilities and capabilities (capacity)? At the same time, did it not intend to establish a coexisting benefit to the Commonwealth community through the acknowledgment of the fundamental principle that local support is the understanding that the need of education is one of the foundation stones of society? Must this not

be implemented by providing a funding system for support of Constitutional education which will allow the greatest number of people the right of contribution, through the broadest of taxable classifications in the most equitable equalizing manner as to them and the taxable wealth which must be levied upon?

Is not the most crucial "dualism" requiring addressment the one which is being used for funding Constitutional education, the dual system of subsidy funding equalization formula? Is not the use of any dual system of subsidy funding equalization formula always veiled in and subject to value judgments, political, or manipulative decisions? Hence, does not its employment and process cause results to be by chance and gamble and which fund the district, not the child? Must not another system be established to address and conform to the rights established by the public educational mandate?

Is there not a whole history of evidence of "hatchet and saw" treatment to a bad support system formula? After each repair job, is it not proclaimed as a new formula that will provide a better solution? However, is it proclaimed to what the better solution refers? Is not the test of any funding formula two-fold? Does it provide the basis for an equitable equality of educational opportunity and process, but first, does it provide for an equitable basis for funding of that opportunity to the Community of Pennsylvania? Should not, therefore, the "better" solution refer to the affirmative of this test and not to a "better" basis for dealing with value judgments, political and manipulative decisions? Thus, does not the "hatchet and saw"

treatment "treat" only the symptom and not the cause?

If the General Assembly would re-examine its basis for addressing Constitutional education, could it not, in its wisdom, find a more appropriate way of addressing its responsibilities as to the "dualism" of providing equity to both the educational delivery system and the funding delivery system, namely a full-state centralized funding system?

Parenthetically, did not the General Assembly (as more fully explained above) create a "dualism" for providing substantive education by creating a State Board of Education to regulate to a statewide equality of educational opportunity and authorize local school districts to administer to that program? Does the State Board of Education have any authority to regulate educational offerings above or below its standards? If it did, would it not be denying quality and equal educational opportunity to some or be promoting advantage to others? Do not some local school districts use "locally" stockpiled state funds, located in their districts to offer superior or inferior education to the exclusive benefit or detriment of the children in their district (e.g. where superior, to the exclusion of use of other districts for the use of their children)? Must not the General Assembly void its dual system of subsidy equalization formula funding for Constitutional education in order to bar the practice of local districts of using "locally" stockpiled state funds which enable them to unilaterally and arbitrarily alter the quality of the Statewide educational program prescribed by itself or the State Board of

Education? Are not the effects of a dual subsidy equalization formula system diametrically contra to the mandate of providing a statewide system for Constitutional education as prescribed by the General Assembly or through its State Board of Education?

Should not the present "dualism" of raising funds be replaced by a system which would require the State, when levying taxes for public education, to fund the State child (not the district) and charge the local school districts, as administrative units, with the duty to administer the dispersement of these funds in accordance with the need to educate and train each child according to his/her abilities and capabilities? Must not any administrative system employed by the General Assembly conform to providing Constitutional education?

Is there anything obscure about the guiding principles expressed in the Educational Article of the Pennsylvania Constitution? Does not the use of the dual system of subsidy funding equalization formulas, cause the funding of public education to be constantly at odds with the dispensing of equitable equality of education opportunity particularly when "local" spending to the degree used can vary the quality of the delivery of educational services? If the General Assembly's statutes and/or State Board of Education's authority to regulate the State's educational program is to be meaningful, must not one of two guiding principles be addressed first, namely the one which causes wealth to be neutralized?

If wealth is neutralized, then cannot the second guiding principle which is that the educational delivery system must provide a free, common, and equitable equality of educational opportunity be addressed? Would this then not permit neutralized wealth to address educational expenditures on the need of the child rather than on the wealth of local districts, an addressment which has no relationship to the equity of equality of educational opportunity?

Would this not free the administrative units to dispense Constitutional education as regulated by the State Board of Education and monitored by local school directors (as agents of the General Assembly, but chosen through election by the local community) in order to assure compliance with the state program and to address to the local needs of the district within that program?

Is there not but one funding system which carries all the credentials necessary to meet the tests for the two guiding principles set forth above as required by Article III, Section 14? Ergo, is it not full state centralized funding?

WHAT ARE THE THREE ACCOUNTABILITIES REQUIRED BY CONSTITUTIONAL EDUCATION?

Is there not a need for accountability which must determine if the implementation of equality of opportunity and process meet the tests laid down by the Education article of the Constitution? Is it not necessary that the tests be objective, for subjective analysis promotes the basis for deviation and arbitrary results rather than for the establishment of equity in equality of opportunity and process?

As the Education Article addresses only to the concepts of equal opportunity and process of education, is not the General Assembly unrestricted therein as to how and upon which assets it raises taxes to support and maintain Constitutional Education?

While as a general principle this is true, is there not an expressly implied exception which is self-evident? When levying taxes for the support of Constitutional Education, may the taxes be so raised in a way that when used, they unreasonably interfere with, alter, obstruct, and violate the delivery of equity of equality of statewide educational opportunity? Do not dual systems of subsidy funding "equalization" formulas provide at least the potential if not actual basis and opportunity for misuse of funds to obstruct the offering of Constitutional education? Within this frame of reference, are not administrative units free to determine their own amount of support beyond their formularized subsidy receipts whether or not according to the statistical data used in the subsidy formula they are penalized in their subsidy receipts for such action? Must not wealth be neutralized to deprive school districts of this tampering mechanism?

Within this exception and ancillary thereto, is not the taxpayer caught in a web of gnawing frustration and inequity because he is unable to understand what underlies the effects upon him and his wealth? Has not the Legislature not explained the inherent and patent defects to him even though the Governor's Advisory Commission, almost ten years ago, advised that full state funding be studied to

support Constitutional education? Granted that the Education Article does not expressly deny the General Assembly the determination upon which taxpayers and what wealth to levy upon to support Constitutional education, is it not true that another exception also exists because of the uniqueness of the Education Article? Preliminarily, do not other Constitutional provisions require uniformity in classifications of taxpayers and within such classifications, there must not be substantially unreasonable discrimination? Thus, is not the second exception one that requires that the taxpayer and his wealth owe a classified duty only to the statewide delivery system of education? If he and his wealth are subjected to an excess charge by local administrative units over and above his statewide duty to support the statewide system, program, and student, is not this a taking without just compensation? Is this not apart from another concern which deals with substantial unreasonable burdens upon a class of wealth used to support taxation? Thus, is this not then a full circle return to the governing requirement of the Education Article that any taxes collected for support of Constitutional education must not interfere with their use to support statewide equality of opportunity? Therefore, are not all applicable constitutional provisions to be interpreted as supportive of, and not in derogation of, the Education Article in any offering of public education by the General Assembly?

Is not accountability therefore a key factor in monitoring and

safeguarding the implementation of the intent of Constitutional education? Are not these accountabilities addressed to equality of opportunity and process and to the efficient use of funds to prevent waste within the entire spectrum of the educational mandate? Does not the study of each of these factors merge into the conclusion that as each interweaves its rights and duties in conjunction with the others, that only full state central funding can (A) provide the financial support for (B) the development of equitable equality of education opportunity and process? Is it not only when the first step to providing Constitutional education is achieved through full state centralized funding that the basic principle of its charge to provide equality of opportunity and process can be addressed?

In response to the argument that the dual subsidy funding "equalization" formula systems reasonably meet the requirement of Constitutional education, is it not important to note than an error of first magnitude is present? If a result is achieved, but for the wrong reasons, is it not more important to examine the logic of how it was achieved? If the reason premise for achieving a result is faulty, then will not the result, upon being subjected to varying demands, be faulty and require manipulation of formula? If the formula as the minor premise is under constant attack and frequently altered because it is constantly either providing a windfall to some districts or creating disadvantages to others, must not the reason for its malfunctions be examined? Is it therefore not the seemingly reasonableness of the result at a given instant that is

sought, but rather the reasonableness of the reason (as the minor premise) giving rise to a constant result at anytime that proofs the question? As it is not possible to achieve the latter under dual systems of subsidy funding "equalization" formulas for Constitutional education, must not full state funding be the basis for its mandate and serve as the interlocking minor premise?

SHOULD THERE BE A COMMISSIONER OF EDUCATIONAL ACCOUNTABILITY?

Do not economics play a big part in equalizing educational opportunity? Is not waste a prime destroyer of effective management? Should the Commonwealth not be examining and implementing ways to promote efficiency and accountability? Should not such a project promote a statewide standard which would include, but not be limited to, cost accounting, comparison in capital expenditure, plant maintenance, transportation, energy, insurance, personnel expenditures, and classroom expenditures on a per pupil basis? Shouldn't state auditors be charged with the responsibility of overseeing this accountability? Wouldn't such a program when computerized show the variables and deviations from one district/region to another? Would this not, in effect, allow taxpayers, students, and the community at the state and the local levels to compare their respective equities? If such accountability were legislated, would not the results enforce the concept of full state funding for support of Constitutional education? In part, would this not also uncover and take away the "uncapped" spending abuses which now are possible by local administrative units under the dual subsidy funding "equalizing" formula system?

While this cost accounting program would show inefficiencies and discrepancies within the "dual" system, but would not be a cure for its defects (namely, its inability to produce equity in equality of educational opportunity and equity in funding), would it not at least be the sine qua non for better observing what has been elusive in the understanding of the interrelated workings of both delivery systems? Would it not show that a dual subsidy funding "equalizing" formula system is based on a "narrow" regressive, arbitrary, unreasonably discriminatory, and inequitable tax base which cannot support the delivery system for substantitive Constitutional education, and that it places arbitrary, substantially unreasonable, and unequal variations of support duty on comparative inter-district taxpayers and their wealth?

Would not such accountability also uncover restraints of trade, bidding, and cartel manipulations? Like the commissioner of insurance, acting under legislative authority to standardize policy filings for the benefit of the consuming public, and therefore the state, should not the General Assembly create an equivalent position in education for policing uniformity for equalization in funding accountability? Could not all equalization of taxable wealth functions used to support education, the Auditor General's functions of auditing procedures, and other accountability units be placed under one commissioner's jurisdiction?

In another vein, is not the accountability for substantive education primarily being searched for the accountability of the equity of the equality of opportunity and process rather than the equalization of the product? For is not the concern and intent to produce the uncommon man,

not the carbon copy? Once economic accountability exposes the inequities in funding the system which would include the inequities to the taxpayer, would it not be manifestly clear that the I.E.P.s within one administrative unit may call for a different support factor than those in another district? Would not support of Constitutional education be more responsibly addressed by the "in-common" support of the full state central funding taxpayer whose duty is a social duty owed to society (the state) and hence the state child? Would this not eliminate "by chance" support situations which now depend on the luck of the taxpayer as to which district he pays taxes in? Is not his tax now predicated, not on the formulated classifications of the I.E.P.s, but on the arbitrary whims and capriciousness of the local school directors who (whether intentionally or innocently) desire to vary the quality of the educational offerings from that of the state's threshold?

Parenthetically, while money is the only effective objective, practical, and external measuring rod available to gauge the quality and equality of educational opportunity and process, would not a system of accountability aid in disclosing the differences and waste, if any, and establish up to date efficiency information for comparison and formula adjustments? May the state, through failure to require statewide accountability, allow school districts (administrative units) to provide to their own standards of educational offerings any more than the Federal Government could stand idly by and allow states to abdicate their support of public education? For does not the Federal Government have a national interest to address over and above that of the state which has a statewide community interest to protect; each, of course, being superior in overall need according to the sphere of the security of their respective responsibilities?

Upon the adoption of full state centralized funding to support Constitutional education, would not statewide accountability be the common denominator over which variables would be reduced and which would for the most part be those concerning regional cost variations and the I.E.P. s within the administrative units? Would not this system then shed itself of unnecessary costs including those attributed to and within the full meaning of the term "municipal overburden"?

IS THE GENERAL ASSEMBLY IMPLEMENTING ITS OWN ACKNOWLEDGEMENT OF ITS RESPONSIBILITIES TO CONSTITUTIONAL EDUCATION?

Has not the General Assembly expressed its Constitutional duty to address Public Education when in stating the need for redistricting, it said in part:

"The purpose... is to provide a flexible framework and effective and orderly means whereby the administrative units (refers to the General Assembly's exclusive authority to determine the number of administrative units) of the Commonwealth's public school system can be expeditiously reorganized. While deeply impressed with the continuous dedicated responsibility exercised over the last century by the citizenry through their local boards of school directors, the General Assembly must also be cognizant of the responsibility placed upon it by Article X, Section 1, of the Constitution of Pennsylvania which requires in part, that "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of the Commonwealth above the age of six years may be educated..." (Now, Article III, Section 14, requires "The General Assembly shall provide for the maintenance and support of a

thorough and efficient system of public education to serve the needs of the Commonwealth.") As the evidence demonstrates beyond reasonable dispute that the present administrative system of more than two thousand (2,000) school districts (Now, 505 school districts) is incapable of providing adequate education and appropriate training for all of the children of the Commonwealth above the age of six, (Now, system of public education to serve the needs of the Commonwealth) the General Assembly hereby renews its dedication to its responsibility of providing a thorough and efficient system of public schools (Now, system of public education) within the Commonwealth. It is hereby declared to be the purpose and intention of the General Assembly to establish the procedures and provide for the standards and criteria under which school directors and district administrators... shall have the power and bear the duty of determining the appropriate administrative units to be created... to carry out the responsibilities shared by them (agents) and the General Assembly (principal - as in principal and agent responsibilities) of educating and training each child within his capacity to the extent demanded by the immediate requirements of growth and strengthening of this Commonwealth and nation... The improvements in the educational system hereby obtained are not to be construed as a final resolution of organizational problems. Local school officials as agents of the General Assembly are directed to continually review organizational patterns and adopt without delay all changes which will accelerate the progress of public education. It is further declared to be the purpose and intention of the General Assembly that the above may be used in construing and arriving at legislative intent with respect to the

provisions of this subdivision. 1949 March 10, P.L. 30, Art. 11, 290, added 1963, Aug. 8, P.L. 564, 3 (is supplied)"?

Parenthetically, as Article 111, Section 14, establishes that the General Assembly has exclusive jurisdiction to provide Constitutional education, and may sit as the State Board of Education and administer to its responsibilities (including the levying of financial support and regulating educational programs wholly within its legislative branch), must not any enabling legislation necessarily therefore provide for statewide classifications of and within both the funding support delivery system and the substantive educational delivery system? Does not the use of any dual system of subsidy funding "equalization" formulas, as discussed within this paper, therefore dramatically show the abhorrence to and the flaws in the ability of the General Assembly, sitting as the State Board of Education, to provide equitable equality of educational opportunity?

Under the State Constitution, should not the equity of an equality of educational opportunity to be meaningful address the needs of each member of every segment of the student body so that he/she is helped to prepare for a self-fulfilling, self-rewarding adulthood, and for a productive contribution to society?

Is not the taxpayer and his/her wealth entitled to a "bill of rights" surveyed through an economic accountability procedure in accordance with the proviso that the Constitutional education of the Commonwealth should be supported by the "common" wealth, AND that accountability of Constitutional education addresses to equality of opportunity and process, not equality of product.

WHAT DO THE PRINCIPLES OF COSMOPOLITANISM AND LOCAL CONTROL OF PUBLIC EDUCATION HAVE IN COMMON?

School directors have only those rights which are vested in them as agents of the Legislature. By virtue of these rights, are they not cloaked with powers, some of which may not be within the scope or course of their authority? If the "liberties" exercised under these powers within the presumption of local control, (as distinguished from local need), further erode the statewide threshold of quality and equality of educational opportunity, is it not possible that giant business organizations will further develop their own educational systems within the private sector to serve their needs (as some already do in other parts of the world)? Will this not continue to atrophy the financial basis and confidence for public education? Since most of the world's large corporate enterprises (some of which are "American-based"), are established, sojourn, and arbitrage at their will, and do business in many parts of the world, will not the concept of local control in public education continue to accelerate the promotion of influence and control over the lives of people by them? Coinciding with this development, will not "local control" be exercised over fewer and fewer people by public educational institutions due to the exodus from them in favor of better benefits offered by multi-national corporations?

Since multi-national corporations reach a point where they owe no allegiance except to themselves under the doctrine of cosmopolitanism, will not nationalism's claim on the allegiance of people wane? Will this not cause additional class systems (veiled within the vestiges of nations) to develop? In effect,will this not cause another form of segregation, namely, corporate personnel "families"? Will not this segregation be more complex, however, since the "family" resides in many global areas? Is it

not important to observe and understand the difference between the global interdependency needs of nationalism and the vested interests fostering cosmopolitanism? Must not their veiled differences be keenly observed?

Is not lack of confidence in public education, in part, alleged because of its failure to service the needs of the "real" world? If the requests calling for supply to these needs, particularly those of the economic and business world, are going unanswered (for whatever the various specific reasons given for excuse and/or justification of the concept), will not the trend toward private supported education play into the hands of cosmopolitanism and gnaw at the very roots of nationalism? Will there be too few eyes to observe this trend or will there be too few who will care to preserve nationalism over work and living advantages of and within multi-national corporations? Are not such feelings about loyalty being expressed and not as yet perhaps understood when the desire to salute the flag seems lost, detachment from community interests is growing, and guaranteed annual wages, pension plans, and living styles such as fringe benefit offerings including health care and education are provided? Interesting, is it not, that all of these are provided at nationalism's taxpayers expense?

Is it possible that nationalism may eventually be the "inheritance" for those who are not chosen as "family" by these multi-national corporations as they grow in strength and power? At the same time, however, are those who are recruited to the ways of cosmopolitanism riding on the pendulum's swing back from freedom to eventual economic slavery, just for starters? Is it already too late to reverse this trend, particularly since these corporations have their "family" in many parts of the world? Are some financially already not wealthier than many nations? If multi-national

corporations are wealthy enough to supply grants to support private educational institutions, should they not be enlisted to support the public educational community as a whole beyond their basic taxable contributions? Should not public education be liaisoned to state management, labor, and government and economic cooperative stimulant committees for greater prosperity such as Pennsylvania's MILRITE Committee in order to better assess and address their present and future educational needs and which would foster rather than detract from nationalism's interests?

Within this setting, is not the educational development of a child according to his/her capabilities contra to the propositions of local control? Did not the Legislature, as part of its declared policy, state that "The welfare of the Commonwealth"...(not local control)..... "requires that...school age children be assured ample opportunity to develop to the fullest, their intellectual capacities"...and that... "it is"...their intent..."to ensure that the intermediate units in the Commonwealth shall furnish on an equal basis auxiliary services to all pupils"...(not school districts)..."in the Commonwealth..." 1949, March 10, P.L. 30, No. 14 as amended 1977, August 24, P.L. 199, No. 59 a/k/a section 972.1 of the School Code; 24P.S. 9-972.1 § 6 (is supplied)? Is not the Legislature, in effect, affirming that as intermediate units must perform auxiliary services on an equal basis to all pupils in the Commonwealth, local school districts, as administrative units, also must furnish on an equal basis services to all pupils in the Commonwealth? Does not the term (local control) itself connote the authority of local districts to offer public education according to their "private" ability and desire to fund rather than to provide education in accordance with the needs and program

of the state as a whole and in accordance with the local needs of both the local community and child? If a statewide and national threshold of quality and equality of education is not promoted to address the comprehensive needs of the entirety, will not the tenets of local control of public education accelerate the day for the further development of placing private education under the support of cosmopolitanism?

Since multi-national corporations serve the needs of themselves and not the individual, do they not select and prune personnel for their benefit? Will not those who don't belong to a "family" remain the responsibility of nationalism with limited funds available for their support? Is not one of the public's aversions to and reasons for lack of confidence in the public educational system due, in part, first to their feeling that the quality of education offered in local school districts varies markedly from district to district because of the effects of the "power of local control" in tandem with the dual funding "equalization" formula system,and secondly to the assumption that the state has no system to effectively evaluate and control the accountability of local educational process to assure its matching to the state's quality of education threshold? In effect, does not local control of education promote "local privacy" in public education, for is that not what the intent of local control (autonomy) is all about today? As a result, do not some parents determine that these "locally controlled 'private public' schools" offer less than they are willing to accept for their children from a "private" school, and therefore choose one that they feel offers a better educational opportunity? Do not, however, such positions advance the movement to private educational systems? And are not some of these private schools throughout the world already receiving funding from cosmopolitanism's

proponents, the effects of which result in lower costs for private schooling? Is local control not the silent eroder of nationalism and at the core of irregular quality of district educational offerings?

Do not dual systems of "equalization" subsidy funding formulas enhance autonomy with concepts of local control, whereas full state funding promotes local need as part of and within a comprehensive equitable statewide educational system?

IS THERE A CONNECTION BETWEEN "ENVIRONMENTAL DISASTERS" AND FULL STATE FUNDING OF PUBLIC EDUCATION?

To date in America, fortunately, there has never been the need to move or evacuate a large segment of the population from an area for an extended period of time as the result of a regional or national enviromental emergency. If there was such an emergency, and dispersal of large segments of the population were necessary (even within one state), are there not consequences to deal with beyond that of food, clothing, shelter, and employment? Must not the "refugees" be served and be returned to "normal" living within the receiving areas wherever they may be? In education, is not one essential requirement, in order to serve the needs of society, to return students to studies with the least disruption of educational programs for the benefit of the individual, state, and nation in the least amount of time? Is not education the life-blood of survival?

Is it not realistic to assert that local school districts are not equipped to support these "refugee" students where dual funding "equalization" formula systems supply funding? Would this not be another prime reason for providing full state funding, since the state would be funding the child wherever he/she is? Would this not promote the flexibility needed to meet the crunch of an emergency as well as address to the Constitutional requirement of statewide equitable equality of educational opportunity?

In all frankness, is the concept of local control prepared to serve to "the needs of the Commonwealth" (which is required by the Constitution's Education Article) when danger is not only clear but present? Parenthetically, when strikers under Act 195 are ordered back to work by the Courts when there is a finding of a clear and present danger to the health, safety, and welfare of the people and community, is there not an ongoing community to receive and accept them with its support to sustain them? Under exigencies such as herein mentioned, are there not however very different circumstances to address? Can society really afford to wait for a sina qua non? Are not the lessons of the past in other parts of the world omen enough for providing full state funding? Are not areas of the world still without educated brainpower because of disruption, refugee dispersment, and local control over education?

Parenthetically, from another perspective, is it not also impossible that equalization of taxable "local" wealth, as processed through state tax equalization board type systems used for state education subsidy purposes, as used with dual subsidy funding "equalization" formula systems, can be equated to the neutralization of wealth required to support constitutional education? While "local control" and dual subsidy funding "equalization" formula systems self serve each other, does not full state funding neutralize wealth so it is able to fund the child as he/she is entitled as mandated by the Education Article?

In this vein, does not the neutralization of wealth under full state funding for funding the child, take place after collection of all financial support by the State but before dispersement of the funds? Does this not separate the tax support system from the educational delivery support system? However, on the other hand, does not the dual subsidy funding "equalization"

formula system in essence, first merely "equalize" the "local" taxable supporting wealth used in determining the state subsidy to the local districts (whether or not through the use of STEB processes), and then secondly permissively allow local districts (although sometimes subject to "penalty") through their "local" funding to thereafter vary the threshold of the statewide equitable equality of educational opportunity? Is not therefore neutralization of wealth contra to concepts of local control, but in harmony with school director monitoring of the local program to assure compliance with the threshold of the state program and in accordance with local need? In effect, is there not a big difference between funding Constitutional substantive education for the child and funding school districts?

Should not a plan to meet the needs of today and...tomorrow be developed? Is there any logic to local control if there is nothing left to control? Can not local need however be served no matter where it is found particularly when financed by full state funding for the child according to his/her capabilities?

Is not a back-up system for the support of public education by the federal government needed in addition to the State's full state funding of the child, one that also coordinates the support of public education between states when the crossing of state lines by "refugees" is involved?

Is it not important and crucial that leaders of our society understand that to serve the needs of the state includes service to the community at-large, not only in times of normalcy, but also in times of strain, crisis, and/or environmental catastrophe? Do not the state and federal constitutions address to the health, safety, and welfare of society as a whole?

Do not some items requiring addressment include those concerning use of school buildings and other facilities in non-effected areas for schooling and other purposes, tuition costs for "refugee" students, utilizing teacher and administrative staffs including those from the effected areas, school supplies, and food service? Others include financing of additional items such as, but not limited to transportation, professional personnel contracts, other contracted obligations including the honoring of authority bond issues, and other costs placed upon the "local" districts' taxpayers involved with extension of aid? Should not some non-used school buildings be "mothballed" or kept contingently occupied by responsible citizen groups or other such parties for emergency use? In fact, should not all school physical plants be owned by a state authority? Should not educational television circuits be available for teaching at residences and/or other locations for the spectrum of educational programing at least until on-site learning centers become operative?

If and when the "refugee" population can return to its community, will it be able to support its public obligations as a result of loss of income and other "local" wealth basis? While sections of the school code deal with "normal" distressed school districts and establish methods for their rehabilitation and return to solvency, mostly at the expense of the "local" taxpayers, do they really provide for the deep financial burdens which could possibly occur? Is levying of additional "local" taxes on a ravaged area and population possible or realistic, particularly if the area is non-usable for an extended period of time?

Is not "local control", shrouded in unauthorized permissiveness, along with dual subsidy funding "equalization" formula systems unworkable during prolonged "environmental disasters" to sustain educational strength? Would not, however

full state funding to fund the child (not the district) sustain the substantive educational vital signs of the state and nation including local needs as and wherever they occur? Are not the needs of education ambulatory per child rather than fixed per acre? Do not potential pestilences (whether accidental or not) such as nuclear explosions, industrial waste poisons, radioactive fallouts, chemical, and health hazards, and other extraordinary occurances which could devastate large areas and require evacuation of whole communities, demand comprehensive systems of planning and addressment to serve the educational needs of the Commonwealth including the financial and substantive delivery systems? Is not the time for conversion to full state funding for public education Now, not after the fact? Should there not be as much routine developed into a daily formula which would include "matter of fact" preparation for an accident (aside from an act of hostility) on the way to a happening? Have there not already been warnings of these possibilities?

As the areas from which the "refugees" flee cannot contribute if they are nonproductive and not usable, and the local districts into which they are received are unable to support them, because of the inadequacies of their own wealth basis and due to the dual subsidy funding "equalization" formula system, will there not be a major breakdown of funding public education and therefore of the substantive educational delivery system itself?

Even if full state funding were to cost more (which is at present an unknown factor) than the present dual subsidy funding "equalization" formula system, if there is to be severe environmental disruption causing "refugee syndromes", must not the margin of error be in favor of the health, safety, and welfare of the people and their achieved station of affluence?

CONSTITUTIONAL PUBLIC EDUCATION IN A NUTSHELL

If the primary purpose of Constitutional education is to provide a right to receive by all the children of the Commonwealth, jointly and singularly, a statewide (not a district's) equitable equality of educational opportunity at any time, (whether it be normal or exigent), can a classification of educational opportunity really be based upon "local" taxable wealth? If support, in whole or in part, comes from the local level, is not this "right (of the children) to receive" unreasonably infringed upon (or potentially subject to be unreasonably infringed upon), if the ability to raise "local effort" to meet the needs of statewide educational requirements (not local standards) varies because of disproportionate existing bases of taxable wealth? Is the defect not coupled to and in tandem with the fact that the "local" levyable tax rate for the support to meet the state threshold of substantive Constitutional education is set, not by the State but rather, at the discretion and ability of the local districts? Does this power not in effect overide the "equalization" of both the support and educational delivery systems? While such taxing procedures, desires, and ability may meet the Constitutional tests for local governments' jurisdiction for their local purposes, is not such classification adverse to Constitutional mandates of statewide application and jurisdictional significance (e.g. Constitutional education) unless such discrimination is proved to be related to a compelling governmental interest?

Do not local school districts' unequal ability or desire to raise equivelent tax revenues have either an unreasonably adverse or potentially unreasonable adverse effect on not only financing per se, but more importantly on the Constitutional purpose of financing to the substantive threshold of statewide equality of educational opportunity?

Inter alia, for the respective inter-district classified taxpayer, does not the variable extraction of funds from him and his wealth also interfere with his duty to uniformly support, equitably contribute, and pay taxes to a statewide threshold? Is it not this disproportionate extraction from him and his wealth that causes a relatively unreasonably and unequal support burden or advantage to exist among inter-district taxpayers? While direction on how to tax is not expressed in the Education Article, and therefore by implication is left to the discretion of the Legislature, is not that body nevertheless required to enact a system of taxation which neutralizes wealth so that it does not deprive and estop the Commonwealth's public educational system from providing equitable equality of educational opportunity to all the Commonwealth's children whatever their situs?

While money is not the equivalent of quality and equality education, in its "neutralized" state, is it nevertheless not the only effective objective, practical, and external measuring rod available to provide for equitable equality of educational opportunity and process? Since Constitutional education is to equitably equally advantage all children of the Commonwealth, (unrestricted by intra-state fictitious boundries) unless funding is effectively neutralized statewide rather than based on local discretionary discount advantage or surcharge penalty to the "local" taxpayer, can a statewide equitable equality of educational opportunity be achieved? Must not a duty to support (which is two fold, i.e. the duty to pay taxes and the duty to financially equitably equalize educational opportunity stateside), that is subservient to the rights of children as guaranteed by the Education Article, not be infringed upon by any funding process? Must not that duty provide for, be implemented from, and be rooted in a neutrality of wealth base? Further, does not a funding system

that may or may not presently advantage/disadvantage comparative inter district taxpayers, but nevertheless provides a potential way to alter the statewide threshold of constitutional education, obstruct the right owned by the Commonwealth children singularly and jointly whatever their situs? Since the right to receive a Constitutional education is a statewide right, can the responsibility of the duty to support be justifiably any less,or fractionalized,even though the duty contains the power (although not the right) to locally alter or interfere with the threshold of the statewide substantive right?

Ergo, is it not impossible then that dual subsidy funding "equalization" formula systems can provide to this financial duty as a whole and to the substantive right to receive a Constitutional education? Can not neutralization of wealth for providing Constitutional education be achieved only through the use of full state funding? Since the Education Article mandates that the Commonwealth child be educated (not the district), should not the child be funded (not the district)? Is not this education right according to the Legislature's pronounced wisdom owned by the children, not the taxpayer? Does not the taxpayer own the right of the statewide duty of support, no more no less (which he hopes will be equitably shared), but not the right through use of his taxes to vary the statewide standard of quality education or to minipulate privilege to some and disadvantage to others within the class of those who own the right to receive a statewide equitable equality of educational opportunity? For the purposes of supplying constitutional public education, is it not impossible that <u>classes</u> of inter-local district wealth can be equated and/or substituted for statewide <u>classification</u> of student need to provide an equitable equality of educational opportunity?

While the state provides to substantive specifics, including classifications, to fund the student in its subsidy formula, has it not failed to enact a relatively applicable formula which would require administrative units to provide funds to a threshold of equal specifics? Under dual subsidy funding equalization formula systems, is it not the lack of legislative action to supply such a (second) formula for districts' compliance that shields (1) the defects that underlay the causes for inequitable and unequal substantive educational opportunities for the statewide student among the administrative units, and (2) the existing unreasonable disparities in "local" wealth from overtly manifesting that they can not equitably provide their portions of financial support to a written state substantive educational threshold formula? Due to the overwhelming wealth disparities between the districts and the resulting substantial inequitable effects upon the inter-local district taxpayers, does this not prevent the state under such dual systems to define and support to a thorough and efficient educational system? Thus, must not a state employ full state funding to establish fiscal neutrality of wealth to provide support for a thorough and efficient educational system for an equitable equality of educational opportunity under the Constitution's mandate?

THE CONSTITUTION'S EDUCATION ARTICLE'S MANDATES TO THE LEGISLATURE AND TO WHOM THE LEGISLATURE HAS ASSIGNED THOSE DUTIES

Are not local school districts (administrative units) even though created as creatures of the Legislature, nevertheless required to carry out the mandates of the Constitution including defense against legislative error and/or encroachment on the public interest in providing for a

thorough and efficient education? Further, as the Education Article of the Constitution requires a thorough and efficient education as a function of government by the people, not one merely authorized by the Legislature, must not any student classification receiving instructional offerings be within the threshold of statewide equitable equality of educational opportunity? Must not the implementation of the Constitution's Education Article be carried out without intervention and fettered control of school affairs by local boards of education?

Does not the Legislature establish that pupils be provided at least 180 days of instruction, although in another section of the school code, it provides that the "State" share of support (subsidy) be for only 180 days of pupil instruction?

Does a section (1501) of the school code seem at first glance to permit local school districts to supply a calendar of school days beyond 180 days (less those specifically excluded by sections 1502 and 1503)? If it does, would this not, in effect, seem to allow local school districts to independently vary the equal educational opportunities of statewide classified students as required by Constitutional mandates? If without unusual mitigating circumstances, local school districts cannot provide less than 180 days of pupil instruction (and the Secretary of Education intervenes to insure that the pupils within his statewide charge are not shorted from receiving an equality of educational opportunity, statewide), may they, by the same token, independently, without provoking the Secretary's intervention, provide more? Does not another section of the school code (1504) place the determination of any variance exclusively within the discretion of the Secretary of Education?

Under other sections of the school code (290,971.1) which express the legislative intent to provide students with a free, common, and equal educational opportunity according to each individual's capacity and capability, does not the equity of the equality of educational opportunity accord to the appropriateness of the educational program, provide each statewide classification of students' needs rather than to a reference that sets an equal number of days taught regardless of classification? Further, may a local school district infringe upon or substitute its program to a greater or lesser degree than that threshold required by the Constitution and prescribed through the wisdom of the Legislature and/or as manifested by and through the authority vested in the Secretary of Education/State Board of Education on a statewide classification basis? Does an alteration in the number of instructional days offered to pupils locally affect the statewide equality of educational opportunity required as to a classification of students and/or to all students in general? Does a rigid number of days set by the State for instruction of all pupils deprive certain other classifications of pupils from receiving the equity of an equal educational opportunity as a result of the need of the class to which they belong? If equality of educational opportunity must be decided on an equitable and appropriate basis, not days, in order to achieve equality according to the capacity and capability of each pupil within statewide classifications "to serve the needs of the Commonwealth", then does it matter whether the determination of same should be expressed in a Federal or State statute? Have not the Courts indicated that Federal statutes that stand the tests of Federal authority in education must be administered to by the States as if they, themselves, had enacted them? (Also see Adm. Code, Section 1317.)

Does not another section (502) seem to allow local school districts to determine the appropriateness of educating all or certain classifications of students beyond 180 days in their districts (such as 181, 185, 190 or more days) or having "summer" school for some classifications of pupils (remedial reading, gifted, make up subjects)? Or, are the words within the section ("... said additional schools or departments when established shall be an integral part of the public school system in such school district and shall be so administered ...") governed by the provisions in another section (1501)? If they are, then is not the intent of that section (1501) a key as to whether any local school districts may offer pupil instruction by independent action apart (beyond/less) from 180 days? Further, must such additional schools be scheduled for instruction days within the "180 day" school term, the time of which is set for such period by the local school board on its calendar? (Also see Adm. Code, Sections 408.1, 1317, 1318, 1319.)

Surely, as the Legislature did not intend to violate the Education Article of the Constitution and knowing that it must provide for statewide classifications of students within one system of education, and relying on the belief that its pronouncements be administered faithfully, may the State Board of Education and/or the Department of Education passively or actively allow the variations of educational opportunity from district to district to exist as to substantive program whether varied by quality of instruction or by numbers of days (see Girard case)? In light of testimony by the Department of Education in the Armstrong vs. Kline case which seemed to establish that "... It is the policy and practice of DOE to refuse to provide or to fund the provisions of education for any child, handicapped, or non-handicapped, for a period in excess of 180 calendar days per year ..."

and the Root vs. Northern Cambria School District case (309 A2d 175) where in part the Court stated "... The decisions of school boards must be based solely on consideration for the people's interest in a thorough and efficient system of education ... The public interest is a thorough and efficient system of education ..." one that disallows fettered ..." control of school affairs by local boards of education ...", if the State Board of Education and/or the Department of Education allows local school boards the prerogative of establishing the appropriateness of educating all or certain statewide designated classifications of students beyond 180 days on a district to district basis according to their independent desires thus, causing variations in statewide equality of educational opportunity, could they or one of such local school districts successfully defend a challenge whose complaint is merely that a classification of statewide students is in agreed compelling need of more than 180 days of schooling for a free, appropriate and equitably equal educational opportunity?

When, in the Armstrong vs. Kline case, the judge stated ... "Defendants cannot defend their 180 day rule by asserting that it is applied equally to handicapped as well as non-handicapped children. Equality of services and program is not the test for determining whether an appropriate education is being provided by the state ...", is the Court not expressing that equity of equality is the basis for equality of educational opportunity, not mere numerically matching number of days, services and program?

Does not the above set the stage for the following challenges:

1. Are 180 days sufficient to provide an appropriate and equitably equal opportunity for all statewide classifications of students?;

2. Can the 180 days be varied according to the equitable and appropriate needs of certain statewide classifications of pupils?;

3. Do sections of the school code (1501,502) permit the State or local school districts, as administrative units and equivalent agents of the Legislature independently, to provide for equality of educational opportunity statewide or locally, respectively?;

4. May local school districts vary independently the threshold of statewide equality of educational opportunity by providing a greater or lesser number of days of instruction locally?

If a statute (1501) provides addressment for administering to the equitable needs of pupils on a statewide basis wherein the Legislature recognized that equity of program to administer to needs of pupils is not limited to specific days ("at least 180"), is not such a statute clearly unconstitutional unless implementation by the Secretary of Education and/or the State Board of Education is implied therein to set uniform regulations that allow administrative units to offer and match appropriate education on a statewide (not local) classification basis? If such a statute (1501) states ... "all public...schools shall be kept open each school year for at least one hundred and eighty (180) days of public instruction...", must not a direction be expressly implied therein to the Secretary of Education and/or State Board of Education for their pronouncements, and not to the local school districts for their independent determinations if such Statute's purpose is to be constitutional (Adm. Code, Sections 408.1, 1317, 1318, 1319)?

Therefore, if a statute (1501) states "...all public kindergartens, elementary, and secondary schools shall be kept open each school year for

at least one hundred and eighty (180) days of instruction for pupils...."

then:

1. May each local school district determine the number of days it desires to remain open for instruction?

2. Is not the Secretary of Education or the State Board of Education the only one's empowered to set the number of days of instruction for pupils, particularly since another section of the school code (1504) seems to require local school districts to receive permission from the Secretary of Education if they desire a variance to the 180 day instructional program offerings?

3. Would not a variance of more/less than 180 days affect the threshold of the equality of educational opportunity required to be offered to all students within the same statewide classification?

4. Does it not seem that the Secretary of Education/ State Board of Education have the exclusive statutory duty to set statewide standards including the number of days of instruction for all state pupils, so that they will receive the same equality of educational opportunity no matter what school they attend in the Commonwealth without regard to which administrative unit has administrative jurisdiction over the school (1504, Adm. Code, Sections 1317-1319)?

5. May the Secretary of Education vary the number of pupil instruction days within his statutory authority (1501, 1504, 502) for statewide classifications of students in order to achieve an equitable equality of educational opportunity (Adm. Code, Sections 1317-1319)?

6. Must not an educational program equate to the mandate of the Constitution's Education Article which requires a free, common and equitable equality of educational opportunity for all the students in the Commonwealth regardless what school they attend or what administrative unit is responsible for administrating to the school charged to its district?

7. If the Constitution's Education Article requires statewide equitable equality of educational opportunity, and some statutes (1504 and Adm. Code, Sections 408.1, 1317, 1318, 1319) provide State regulatory power over the quality of instruction for pupils, and the Legislature by another statute (502) permits local school boards the independent opportunity to provide additional instructional programs in order to provide that threshold of free, common and equitable equality of educational opportunity be maintained statewide, must not the regulatory statute be found paramount so that they control the meaning of the other statute if the other statute is to be found Constitutionally sound?

8. If each administrative unit can independently offer an educational program at variance with the State's equality of educational opportunity threshold as to quality of program including the number of days of instruction during the fiscal year (by whatever name such instruction is given, e.g. summer school, special makeup, 190 days), and the amount of offerings to a large extent are dependent on the wealth of the local school district and the local's desire to tax, is not such prerogative when implemented unreasonably discriminatory on a statewide basis?

9. If an educational system is unconstitutional because it creates a classification of educational opportunity based on local wealth, when sections of the code (1501, 502) are allowed by the State to be implemented to serve the desires of some administrative units at the expense of others because of local wealth variations, must not the practice be enjoined? Further, under a dual subsidy funding "equalization" formula system, when a section of the school code (507) states "In order to establish, ...operate and maintain any schools or departments herein provided...or to enable it to carry out any provisions of this act, the board of school directors in each school district is hereby vested with all the necessary authority and power annually to levy and collect...the necessary taxes required, in addition to the annual State appropriation, and shall have, and be vested with, all necessary power and authority to comply with and carry out any or all of the provisions of this act.", must it not be construed to authorize only such expenditures and taxation of "local" wealth that would contribute, along with state subsidy funds, to implement the support of statewide mandates as required and needed to provide for the educational program of statewide classifications of students as established by the Legislature or through its State Board of Education rather than to fund for support of special local privilege for some of those who are members of said statewide classifications? If such statute were interpreted to authorize the use of "local" wealth to be used to establish privilege which would vary the even handed quality of the state educational program for those who belong to statewide classifications, would not such statute be in violation of the Constitution's Education Article and the equal

protection of the law clause since it would violate the requirements of a free, common, and equitably equal educational opportunity statewide? Must not there be a distinction made between funding an educational program for students who are equal under the eyes of the law wherever they may reside and authorizing funding to local school districts for them to self-determine the quality of program for students within their administrative borders?

10. Since the primary purpose of the Educational Article (Article III, Section 14) is to provide a free, common, and equitable equality of educational opportunity for students statewide, if the Legislature bestows on a local school board certain rights to engage in proprietary dealings, must not such pursuits be strictly construed so that when implemented they will not be in conflict with or in lieu of the purpose of the education mandate of the Constitution, regardless whether the particular educational use is being implemented or the right to implement remains inchoate intentionally or unintentionally (also see Section 1544)?

11. As part of the State Board of Education's duties is "... the purpose of formulating policy proposals applicable to elementary, secondary.....education in the Commonwealth.." (Adm. Code, Section 408.1), and as it "...shall engage in a constant review and appraisal of education in the Commonwealth..." and as "...the Council of Basic Education shall have the power, and its duty shall be to...investigate programs, conduct research studies and formulate policy proposals in all educational areas...including....the creation, consolidation and reorganization of school districts...the operation of...summer schools,

extention education programs and such other special schools as may be provided by law...admission, attendance...requirements.....subjects to be taught and the activities to be conducted in elementary, secondary...and other schools..." (Adm. Code, Section 1319), and as "The State Board of Education shall... adopt rules or procedures and prescribe regulations for the submission to it of all matters within its jurisdiction..." (Adm. Code, Section 1317), and as "...Educational policies, standards, rules and regulations promulgated by the State Board of Education shall be binding upon the Department of Public Instruction..." (Adm. Code, Section 1318), and as "...The Secretary of Education...shall be the chief executive officer of the State Board of Education...." (Adm. Code, Section 408.1), and as the Education Article of the Constitution mandates that there must be a "...system of public education..", and as local school districts are creatures of the legislature created for the purpose of being administrative units to act as agents to serve the intent and interests of that system, must not an educational program be provided, maintained, and supported on an equitable equality of educational opportunity basis to and for all pupils of the Commonwealth without regard to the situs of the school to which they are admitted for instruction and the district responsible to carry out the Constitutional mandates, not its own?

Parenthetically, while school districts are not constitutional bodies but rather are created by an act of the Legislature, and since the educational system is established by the Constitution, is there not then established a system of public education, not a system of local school districts?

Therefore, is it not impossible for an agent of the legislature, whether it be a local school district or the State Department of Education, to promote and/or implement favoritism toward some within a statewide classification while denying equitably equal benefits to others within the same classification whomever they may be and wherever the school? Is there not a Constitutional duty placed on the Legislature and an administrative duty placed by the Legislature upon the State Board of Education and the Secretary of Education with the help of the Department of Education to monitor the quality of education served within the local school districts to ensure compliance with the State standards? Likewise, must not local school directors monitor within their respective districts to assure that their districts' instructional program meets the tests laid down by the State standards?

Thus, when a statute (1512) states "The board of school directors in every school district, with the advice, assistance and approval of the proper superintendent of schools, shall arrange a course or courses of study adapted to the age, developement, and needs of the pupils. These courses of study shall conform to any general course of study arranged by the Superintendent of Public Instruction....", then does not the directive by express implication require that the Department of Education/State Board of Education address to the issue that regulations and standards (Adm. Code, Sections 408.1, 1317, 1318, 1319) of the State Board of Education must be sufficiently flexible within their substantive parameters of threshold to allow for variations according to local need within the statewide classifications under the concept of statewide equitable equality of educational opportunity?

Further, must not the term "minimum standards" not be construed as a license for local school districts to unilaterally exceed the minimum state threshold for substantive programs, by using the state's taxable wealth resources unevenly "locally" stockpiled in their districts to achieve a local advantage within their respective administrative units to the detriment of others? Rather, should not the term "minimum standards" refer to the statewide threshold of quality education, the level of which must be determined by the Legislature or through its designees, the State Board of Education/Secretary of Education (Adm. Code, Sections 408.1, 1317, 1318, 1319, 1320) and maintained on a statewide basis "...to serve the needs of the Commonwealth" while providing for equitable equal educational opportunity?

If the mandates of the Education Article are to be implemented and if equitable equality of educational opportunity is to be achieved, then must not state fiscal neutrality of wealth be the first step taken? Should not the second step taken be one to provide a substantive program for equitable equality of educational opportunity statewide?